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MINISTRY OF FOREIGN AFFAIRS**

**FOURTH REPORT**

**Submitted by**

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**Pursuant to Article 25, paragraph 1, of**

**THE FRAMEWORK CONVENTION OF THE COUNCIL OF EUROPE**

**FOR THE PROTECTION OF NATIONAL MINORITIES**

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## INTRODUCTION

1. The Framework Convention for the Protection of the National Minorities<sup>1</sup> was signed by the Republic of Albania<sup>2</sup> on 29.06.1995 and has entered into force on 01.01 2000.
2. In accordance with article 25 of the Framework Convention since the year 2001, Albania has transmitted periodically to the Council of Europe, three reports on the implementation of the provisions of the Framework Convention, with regard the protection of the rights of minorities in Albania<sup>3</sup>. In the framework of the periodic monitoring cycles, following the transmission of national Reports, the relative Opinions of the Advisory Committee of the Framework Convention<sup>4</sup> have been adopted. After the submissions of relevant Opinions of the Advisory Committee<sup>5</sup> and the comments by the Albanian authorities on these Opinions<sup>6</sup>, the Committee of Ministers of the Council of Europe has adopted the relevant resolutions on the implementation of the Framework Convention by Albania<sup>7</sup>.
3. Specifically in the context of the third cycle of monitoring, the measures taken by Albania on the implementation of the Framework Convention were reviewed by the Advisory Committee of the Framework Convention based on the third Report transmitted by the Albanian authorities in January 2011, and the information gathered during the visit of this Committee in Albania, in the month of September 2011.
4. The Albanian institutions consider and assess the process of preparing the report as a means to ensure the fulfillment of international obligations and as an opportunity to present the situation of minority rights in the framework of the implementation of the Convention, in order to take measures on the implementation of the Convention. In the course of preparing this report, the Ministry of Foreign Affairs, as the institution responsible for drafting the national reports on human rights conventions, has informed the competent institutions and set up an inter-institutional working group on the preparation of this report.
5. The report was compiled in accordance with the outline for the state reports to be submitted under the fourth monitoring cycle<sup>8</sup>. The first part of the report provides information on the practical measure to continue implementing the Framework Convention, and to raise awareness on the results of the third monitoring cycle. The second part of the report provides information on the measures to address the issues identified in the third monitoring cycle. The third part provides information on the implementation of the articles, with particular attention to further recommendations of the third cycle of monitoring.

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<sup>1</sup> Hereinafter the Framework Convention.

<sup>2</sup> Hereinafter RA.

<sup>3</sup> First report was transmitted in July 2001; Second report transmitted in May 2007.

<sup>4</sup> Hereinafter the Advisory Committee.

<sup>5</sup> First opinion of the Advisory Committee adopted in September 2002 (*ACFC/INF/OP/I(2003)004*); Second opinion adopted in May 2008 (*ACFC/OP/II(2008)003*); Third opinion adopted in November 2011 (*ACFC/OP/III(2011)009*).

<sup>6</sup> Comments of the Albanian government, submitted specifically: February 2003 (*GVT/COM/INF/OP/I(2003)004*); December 2008 (*GVT/COM/II(2008)005*); June 2012 (*GVT/COM/III(2012)003*).

<sup>7</sup> The Resolutions of the Committee of Ministers of the Council of Ministers adopted relatively: May 2005- Resolution ResCMN(2005)2; July 2009 Resolution CM/ResCMN(2009)5; 12 February 2014 Resolution CM/ResCMN(2014)1.

<sup>8</sup> Adopted by the Committee of Ministers of the Council of Europe at the 1169<sup>th</sup>, on 30 April 2013.

6. The Fourth Report on the implementation of the Convention "On the protection of the rights of national minorities" was adopted by Decision of the Council of Ministers, no 743, dated 26 October 2016<sup>9</sup>.

**I. Practical arrangements made at national level for raising awareness of the results of the third monitoring cycle and of the Framework Convention.**

a. Steps taken to publicise the results of the third monitoring cycle, publication and dissemination translation into the minority language(s);

7. Following the publication of the Third Opinion of the Advisory Committee of the Framework Convention<sup>10</sup> and the Resolution of the Committee of Ministers of the Council of Europe<sup>11</sup>, the Ministry of Foreign Affairs as an institution which has a key role in monitoring the implementation of international commitments and the reporting process on the implementation of the conventions on human rights, has informed the central and independent institutions aiming at promoting and raising the awareness on the outcomes of the third monitoring cycle of the Framework Convention.

8. The third opinion of the Advisory Committee and the Resolution on the implementation of the Framework Convention were translated into the Albanian language and into the minority languages (the Greek minority, the Macedonian minority, the Serbian and Montenegrin minority, the Vlach/Aromanian minorities, and the Roma minority) in the year 2014. The translation into the Albanian language and those of the minorities was made possible with the support of the joint Project of the Council of Europe<sup>12</sup> and the European Union<sup>13</sup> "Promotion of human rights and minority protection in Southeast Europe". The opinion and the resolution are published in Albanian and in the minority languages in the website of the Council of Europe<sup>14</sup> and in the website of the Ministry of Foreign Affairs.

9. In order to inform and publicize the results of the third monitoring cycle, as part of a vast process of consultation led by the Ministry of Foreign Affairs, in the month of October 2014, the Minister of Foreign Affairs held a meeting with representatives of the minorities. During the meeting, which aimed at enhancing the dialogue and cooperation in addressing minority issues and problems, information was provided on the outcomes of the third monitoring cycle and the documents of the Opinion and Resolution translated into the minority languages were disseminated.

10. Considering the promotion and protection of minority rights as constituent part of the human rights as one of the key priorities, the Albanian government is committed to fulfil the international obligations flowing from the conventions on human rights. Pursuant to the Prime Minister's Order No. 112, dated 05.03.2014 "On the establishment of inter-ministerial working group on the preparation and participation in the consideration of reports under international conventions for the

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<sup>9</sup> According to domestic legislation, the Decision of the Council of Minister (DCM) enters into force within 15 days after the publication in the Official Gazette. This Report adopted by DMC was published at Official Gazette, no. 204, November 2, 2016

<sup>10</sup> Third opinion ACFC/OP/III(2011)009, published on 4 June, 2012.

<sup>11</sup> Resolution of CM/ResCMN(2014), published on 12 February 2014.

<sup>12</sup> Hereinafter CoE

<sup>13</sup> Hereinafter EU

<sup>14</sup> <http://www.coe.int/en/web/minorities/country-specific-monitoring-2016#Albania>

human rights", the Ministry of Foreign Affairs coordinates the preparation process of the national reports on the implementation of the conventions on human rights, including the Report on the Framework Convention, in cooperation with state, independent institutions. This report has been prepared as the result of the work coordination and involvement of the central institutions, according to their field of competence on matters covered by this Convention. The report was prepared in cooperation with the central institutions (the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Social Welfare and Youth, the Ministry of Health, the Ministry of Education and Sports, the Ministry of Culture, the Ministry of Urban Development, etc) and the independent institutions. In the framework of the preparation of the report, the independent institutions such as the State Committee on Minorities, the Ombudsman, and the Commissioner for Protection from Discrimination were informed in order to obtain their opinions and contributions. Likewise, the minority associations and organizations operating in the field of human rights and minorities have been as well informed with regard to the process of preparing the report and obtaining their opinions and contributions.

11. The findings, conclusions and recommendations of the Opinion and Resolution of the Advisory Committee of the Framework Convention have been the key documents on which the work of the Working Group "On the assessment of the legislative framework and policies for the minorities" (established by Order of the Prime Minister, no 117, dated 10.03.2014), with representatives of the central institutions, the State Committee on Minorities, is based. The report of the inter-institutional Working Group with the relevant conclusions and proposals served as well as the basis for the preparation of the Fourth report on the implementation of the Framework Convention.

12. In the framework of the presentation of the Document of Cooperation 2015-2017, in the month of October 2015, a launch event of this document was held at the Ministry of Foreign Affairs, with the participation of the representatives of the Council of Europe, international organizations, the Albanian institutions, etc. This document as a strategic instrument constitutes a framework of cooperation and support for the Albanian institutions to attain the standards in priority areas in the framework of the Council of Europe and the country's European integration as: the reform in the justice system; the protection of human rights; the fight against corruption and organized crime; democratic governance; freedom of expression, etc. The Document of Cooperation devotes special attention to promoting human rights, and promoting equal opportunities for vulnerable groups such as the Roma, aiming at social inclusion and participation. In order to evaluate the progress of Albania-CoE Cooperation Document (2015-2017), the meeting of the Steering Committee was held in 8 September 2016 with the participation of representatives of the Directorate of the Council of Europe Cooperation Programme, with representatives of the central and independent institutions. The progress report of this document presents the developments (April 2015 – September 2016) in priority fields such as: justice; corruption, economic crime and organized crime; freedom of expression and information society; anti discrimination, observance of human rights and social inclusion; democratic governance and participation in public life. In relation to the field of antidiscrimination, human rights and social inclusion, the benefiting institutions in this sector (Ministry of Social Welfare and Youth, Ministry of Education and Sports, Ministry of Foreign Affairs, etc) assessed the projects implemented in the framework of the Document of Cooperation, which are materialized in important political and strategic documents in this field (included National Plans of Action for vulnerable categories).

13. In the framework of the 3-year Action Plan of EU-CoE Horizontal Facility for Western Balkans and Turkey (2016-2019), regarding the implementation of this Plan for Albania, the

Council of Europe, in cooperation with the Albanian institutions worked to draft concrete measures and actions in relevant areas, also including minority protection. Through the implementation of this action plan, it will be aimed to undertake specific steps and actions for the protection of minorities, based on the recommendations of the Advisory Committee and the Resolution on the implementation of the Framework Convention, focusing on the preparation and adoption of comprehensive legislation for the minorities, and supporting the Albanian institutions to raise awareness and build capacities on the implementation of comprehensive legislation on minorities.

14. The Joint CoE-EU project on "Promoting human rights and minority protection in South East Europe", which aims at improving the access of minority rights at local and national levels, based on the standards of the Council of Europe and especially the Framework Convention, is being implemented in five municipalities in Albania: Dropull, Përmet, Fier, Shkodra and Shijak<sup>15</sup>. In the framework of this project small grants (18,000 euros) for each beneficiary municipality were awarded. Likewise, in the framework of the selection of best practices for the project implementation, the Përmet Municipality was chosen as the best practice and has received an additional grant for the implementation of the project. The implementation of this Regional Project on minorities in Albania, has positively affected the raising of awareness of the local authorities, and the community on the implementation of the Framework Convention, as well as the Opinion and the Resolution on the implementation of the Framework Convention.

15. In the framework of this project in Albania, due to the fact that the municipality of Permet has been selected as the municipality with the best practice for the minorities on September 8, 2016 the regional "Open Day" meeting was organized with the participation of representatives of the countries of the region where the project has been implemented, as well as of representatives from other municipalities of the country, to discuss achievements and issues in the field of minorities. The meeting with representatives of national and municipal representatives of the project beneficiary municipalities aimed at discussing the problematics of minorities on a national and local level and addressing their problematics. This meeting aims at preparing a document that was sent to the central institutions, aiming at and addressing and involving issues and problems in government policies and strategies<sup>16</sup>.

16. Ministry of Foreign Affairs of Albania would assess useful even the organization of a follow up activity in cooperation with the Council of Europe for the recognition and dissemination of the outcomes of the third monitoring cycle. This activity serves the increase of information and awareness of various institutions of Albania, the minorities' associations, as well as identifying and addressing issues and problems of the minorities, based on the recommendations of the Advisory Committee of the Framework Convention and the Resolution on the implementation of the Framework Convention " For the protection of national minorities " by Albania.

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<sup>15</sup> Detailed information on the implementation of this Project, is provided in the website: <http://pjp-eu.coe.int/web/minority-rights>. Information on the project implementation in the 5 Municipalities of Albania is provided in annex No. 1 attached to this Report.

<sup>16</sup> Information on the results of the meeting in Përmet and recommendations are provided in annex No. 2 attached to the Report.

## **II. Measures taken to address the core issues identified in the Resolution of the Committee of Ministers of the Council of Europe<sup>17</sup> (CoE) on the implementation of the Framework Convention by Albania<sup>18</sup>.**

17. The improvement of the legal framework and policies for the protection of minorities” by following a broad consultation process that should take into account the recommendations of the Advisory Committee of the Council of Europe Framework Convention “For the protection of National Minorities” it is foreseen as an objective, in the Roadmap on the implementation of the 5 key priorities (including priority on human rights) recommended by the European Commission<sup>19</sup>. This objective is related with the issues and recommendations identified in the Resolution of the CoE on minorities and conclusions recommendations identified in the third Opinion of the Advisory Committee of the Framework Convention.

18. For the implementation of commitments on minorities, according to the Prime Minister’s Order no. 117, dated 10.03.2014 "On the establishment of interagency working group to assess the legislative framework and policies for minorities”, the Working Group has been set up with representatives from the line ministries, the State Committee on Minorities, the Ombudsman, the Commissioner for Protection from Discrimination, etc., that was supposed to carry out the following duties:

- Following up the commitments (measures, activities) set in the Action Plan/Road Map regarding the 5<sup>th</sup> priority "Protection of Human Rights";
- Identifying the recommendations of the Advisory Committee of the Framework Convention of the Council of Europe "On the Protection of National Minorities", the issues and recommendations identified in the Resolution on minorities, the issues identified in the progress reports of the European Commission for Albania, as well as the recommendations of different Committees of the UN Conventions on Human Rights;
- Assessing (the evaluation of) the current legal framework and policies on the protection of minorities;
- Identifying issues and problems related with minority rights protection;
- Developing the consultation process with representatives of the independent institutions, representatives of associations representing the minorities, representatives of the civil society operating in the field of the human rights;
- Preparing conclusions and necessary proposals on improving the legislative framework and policies on minorities.

19. In the role of leader and coordinator of the process, the Ministry of Foreign Affairs<sup>20</sup> has held regular meetings with the Working Group during the 2014-2015 periods. Periodic meetings and informations, analyses provided by the relative ministries and other participating institutions in the process, have served as basis for drawing conclusions and propositions regarding the improvement of the legislative framework and policies on minorities. During this process, necessary

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<sup>17</sup> Hereinafter CoE.

<sup>18</sup> The second part of the Resolution on the implementation of the Framework Convention “Issues for immediate action”.

<sup>19</sup> Adopted by the Decision of the Council of Ministers (DCM) No. 330, dated 28.05.2014 “On the approval of the Roadmap for the 5 priorities recommended by the European Commission 2013”.

<sup>20</sup> Hereinafter MoFA.



consultations were held with representatives of civil society operating in the field of human rights, as well as associations representing the minorities.

20. The topics discussed by the Working Group were: identification, evaluation and detailed analysis of the existing legal framework according to the areas; education; culture; anti-discrimination; social inclusion policies; representation of minorities; functioning of the State Committee on Minorities; housing; health; improvement of living conditions of the Roma minority; access to media; local governments; territorial reform etc. The analysis and presentation of the conclusions of the Working Group is based on the following elements:

- The current attitude on minorities, the international and national legislative framework applicable with regard minority rights;
- The assessments and recommendations submitted by international institutions;
- The identification of issues and problems in the implementation of the legal framework, taking into consideration the findings, conclusions and recommendations of the Third Opinion of the Advisory Committee and the issues and recommendations identified in the Resolution on minorities;
- Detailed evaluation of the legal framework, policies, problems and proposals for their improvement according to the areas (education, culture, politics and civil rights, citizenship, housing, State Police, local government, institutional framework). Presentation according to the thematic areas refers to the provisions related to the minorities in a number of laws, bylaws and strategic documents, as well as their implementation in practice.
- The presentation of conclusions, proposals and recommendations on improving the legal framework and policies on minorities, based on the assessments and proposals provided by the line ministries, independent institutions involved in the process, and the recommendations of international institutions.

21. The main conclusions and recommendations of the Working Group "On the evaluation of legislative framework and policies on minorities" are:

- Preparation and adoption of comprehensive legislation, including specific law on national minorities.
- Eliminating the division into two categories: national minorities and ethno-linguistic minorities, as well legal recognition of minorities.
- Implementation of the existing legal framework and the future legal framework on national minorities should be in accordance with the provisions of the Framework Convention.
- Improvement of the legal framework on the functioning and enhancement of the role of the State Committee on Minorities.
- Improving the legal and regulatory framework and the implementation of institutional measures according to the areas (education, culture, social inclusion, improving the living conditions of the Roma minority, etc).
- Recommendations on improving the legal and institutional framework on minorities are based as well on the recommendations of independent institutions such as the Ombudsman, the State Committee on Minorities, interest groups (the associations of minorities and the civil society, and the recommendations of international organizations.

22. In the context of broad consultation process alongside the inter-institutional consultations, in order to ensure the inclusion and consultation of minority associations and the civil society are organised several meetings as a possibility for them to present the problems of minorities and to

obtain contributions, propositions.

23. Ministry of Foreign Affairs in the role of the leader and coordinator of the process has continued the consultation process in order to prepare the draft of action plan on institutional, legal measures and regulations in 2016 and subsequently in 2017, on minority rights. In order to prepare the draft law "On the protection of the rights of national minorities" and improving the legal, sub-legal and institutional framework on minorities at the beginning of year 2016 was established a Working Group within the Ministry of Foreign Affairs. In the framework of the process of fulfilling commitments on minority protection, a timetable with concrete measures and actions (timeline) has been foreseen on: preparation of the draft law on the minorities; cooperation with international organizations to obtain international expertise during the drafting process; inter-institutional consultation process on the draft law on minorities, secondary legislation and institutional measures (during 2016- 2017) within the respective areas; broad consultation process (inter-institutional consultation and consultation with minority associations and civil society) on the draft law on minorities.

24. By Order of the Prime Minister no. 121, dated 27.07.2016, it was established the "inter institutional Working Group to prepare the draft law "On the protection of national minorities". This Working Group is composed of representatives from all ministries, the Prime Minister's Office, the Parliament, including the representatives of independent institutions as: Ombudsman, Commissioner for Protection from Discrimination, State Committee on Minorities, Commissioner for Freedom of Information and Protection of Personal Data, Academy of Sciences, Institute of Statistics, Authority of Audio-Visual Media, Albanian Radio-Television. The main duties of this 1 Working Group are: a) fulfilment of commitments on improving the legislative framework minority rights, as is envisaged in the Action Plan/Road Map regarding the 5th priority "Protection of Human Rights"; b) submission of proposals and contributions in the process of drafting the law "On national minorities in the Republic of Albania". c) identification of the regulatory and secondary framework (necessary bylaws to be drafted for implementation of the law on minorities); d) participation in the inter-institutional consultation process, as well as during the consultation process with representatives from independent institutions, experts, representatives of associations representing the minorities, representatives of civil society operating in the field of human rights. The deadline for drafting and presentation of the draft law on minorities to the Council of Ministers is foreseen to the end of December 2016. Besides the draft law on minorities, it is also foreseen the preparation of the regulatory legal framework and bylaws for the implementation of the draft law on minorities, according to different fields, which are expected to be adopted during the period 2016-2017.

25. The process of preparation of draft law on minorities is based on: identification and analysis of minority rights in Albanian context, and specific needs; the findings and recommendations of the Advisory Committee and the Resolution on minorities, and the obligations under the international organizations; experiences and practices of the countries in addressing minority issues in the region and beyond, that that best fit the specific conditions of Albania. The draft law on minorities will provide the basic principles for protection of minority rights. The objective of this law is to achieve the highest standards in terms of practical implementation of the rights of national minorities respective fields (education, culture, preservation and development of their identity, representation in the economic, social, public life, etc.). This draft law will aim at addressing the legal gaps and clarify the policies towards minorities and the implementation of their rights in

practice, in accordance with specific recommendations of international organizations. The draft law will address several core issues: 1) determination of clear legal criteria for the identification of groups of persons as national minorities; 2) avoiding differences between national and ethno-linguistic minorities, abolishing the current division of minority identification in these two categories. It will also enable the harmonization of terminology on national minorities, the establishment of mechanisms and legal criteria for identification as national minority. 3) establishment of institutional mechanisms and institutional framework to address minority issues for the implementation of minority rights. Improvement of the legal and institutional framework on the functioning and enhancement of the role of the State Committee on Minorities; 4) identification and legal regulation of the rights of national minorities according to the rights contained in the Framework Convention; 5) the draft law for the protection of national minorities will be of a framework nature, but will contain some additional elements compared to the CoE Framework Convention on National Minorities, according to specific context and need of Albania.

26. The Albanian authorities assess as very important the development of a wide consultation process in the context of the improvement of legislation and implementation of institutional measures on minorities with all state and non-state stakeholders, including the international organizations. Assessing the role of the Council of Europe in the promotion and protection of human rights and the expertise relating to the minority issues, the Ministry of Foreign Affairs has sought international expertise and assistance from the CoE, as a key partner in the preparation of the draft law "On the protection of minority rights". The Council of Europe has offered international expertise<sup>21</sup>, on the draft law on minorities, as well as support and assistance for holding activities on conducting the consultation process (*social outreach*), in the framework of the joint CoE-EU "Promoting human rights and the protection of national minorities in Southeast Europe".

27. Ministry of Foreign Affairs appreciates the expertise and assistance that the institution of High Commissioner for the Protection of National Minorities (HCNM) of the OSCE, will offer in the framework of improving legislation and policies on minorities. This cooperation will be valuable on specific areas such as education of minorities, minority participation in public life and institutional mechanisms on minorities. The Office of the High Commissioner on National Minorities has expressed the commitment to contribute to the process by submitting comments on the draft law on minorities, as well as through participation in the consultation process. Its expertise will be valuable in the context of drafting the legislative framework and institutional arrangements for the implementation of the law.

28. In the framework of the consultation process (*social outreach*), the Ministry of Foreign Affairs in cooperation with the Council of Europe, was held on June 1, 2016, a roundtable entitled "Minority Rights in the Albanian context, in accordance with the commitments arising from the Framework Convention on the protection of minorities and international organizations". This roundtable was attended by national and international experts, academicians and professionals in the field of human rights and minorities, as well as representatives of the Council of Europe<sup>22</sup>, the OSCE presence in Albania. This roundtable aimed at expressing the will to improve the legislative

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<sup>21</sup> The expert contracted by the CoE, is Prof. Dr. Rainer Hofmann, as well as former President, former vice president and former member of the Advisory Committee on the Framework Convention.

<sup>22</sup> Participants in this round table were the President *ad interim* of the Advisory Committee of the Framework Convention Mrs. Petra Roter, Professor of International Law and Human Rights and Minorities, Mr. Rainer Hofmann, as well as representative of the Secretariat of the Council of Europe.

framework on minorities, introducing the initiative to draft the specific law on minorities and outreaching the contributions of experts, academicians and professionals in the field of human rights and minorities. The roundtable was of particular importance in terms of the contributions that were received from the latter, so that the issues, opinions, views and concerns raised during the roundtable are addressed effectively in the content of the draft law on minorities. In addition, on June 30, 2016, the Ministry of Foreign Affairs with support of the Council of Europe organised another round table with members of the National Minorities Committee, representatives of minority associations, civil society and representatives of international organisations<sup>23</sup>. The aim of this roundtable was the expression of the will to improve the legal framework on minorities, the presentation of the initiative for the preparation of the draft law on minorities, and the involvement of minority associations, and civil society in the consultation process. Representatives of minority associations and civil society praised the initiative taken by the Government and the Ministry of Foreign Affairs to improve the legal framework on minorities, namely the preparation of a specific law for their rights. The representatives of the minority associations underlined several issues that the new law on minorities should address: identification of minorities, ensuring the minority rights, s, public representation.

29. These round tables are followed by continuously inter-institutional consultations including the State Committee for Minorities, in order to prepare a draft law that in addition to sensitivity of issues and problems, will effectively address the issues of minorities, and based on the positive legal practices. On October 26, 2016 a consultative conference was held with the theme: "Improving the legal framework and policies: Draft Law on Protection of National Minorities in the Republic of Albania". This conference was organised by the Ministry of Foreign Affairs with support of the Council of Europe, and with representatives of national institutions, international organisations, national and international experts, academics, minority associations, civil society. This consultative conference served as a platform by informing the participants on the results achieved so far related the preparation of the draft law on national minorities, and by expressing willingness to realise a broad public consultation process. During the Conference the representatives of Albanian institutions expressed the commitment to undertake concrete measure for the improvement of legal framework and policies on national minorities with the firm believe that the protection of minority rights and the preservation of their identity, language, tradition and culture are deemed fundamental. The presentations of international experts<sup>24</sup> and the representatives of the international organisations<sup>25</sup> were focused on the issues that the draft law on minorities could address in compliance with international standards. They shared with the audience best practices and experiences on minority rights, in the region and other European countries. The representatives of independent institutions<sup>26</sup>, national experts and representatives of civil society discussed on the issues that the draft law on minorities should address in order to guarantee minority rights. Particular attention is paid to the contributions and inputs coming from the audience.

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<sup>23</sup> Representatives of the Council of Europe Office, the OSCE Presence and the EU Delegation in Albania.

<sup>24</sup> International experts: Mrs. Tove Hansen Malloy, Director of European Centre for Minority Issues. Mr. Rainer Hoffmann, International Expert, Former President of the Advisory Committee, Framework Convention on National Minorities.

<sup>25</sup> Representative of the Office of High Commissioner on National Minorities of OSCE..

<sup>26</sup> Representatives from Ombudsman, Commissioner for the Protection from Discrimination, State Committee for Minorities, national experts, representatives of civil society.

30. The 2011 Albanian Population and Housing Census is the 11<sup>th</sup> census conducted in Albania. In connection with the census data, a question on ethnicity, which implies the self-declaration as a criterion to identify the ethnicity of the population, was included in the form of the population registration. The inclusion of the question on ethnic affiliation, was in conformity with the article 3 of the Framework Convention on self-identification, and the article 20 paragraph 2 of Albanian Constitution, which guarantees the free expression of ethnicity. The question on ethnic affiliation was a facultative question (optional), which means that no individual would have reason to distort the truth and not answer this question. According to census data, the percentage of minorities in Albania is estimated at about 1.4% of the total population residing in the territory and the Republic of Albania. In connection with this question, 13.96% of the population residing on the Republic of Albania (total of the resident Albanian population of 2,800,138 inhabitants)<sup>27</sup> have not preferred to answer.

31. The population census is a process which takes place every 10 years and is approved by a special law. In connection with the upcoming census and processing of census data on minorities the Albanian institutions will take into account the principle of self-declaration and compliance with European standards.

32. In regard to education of persons belonging to minorities, as an issue contained in the Resolution on minorities, the right of education in their mother tongue is guaranteed by: the Constitution; the Law "On Pre-university Education"; the secondary legislation (Decision of the Council of Ministers) "On the criteria and procedures for granting permit for the functioning of non-public educational institutions and non-public complementary educational institutions, where religious subjects are conducted or where instruction is carried out in a foreign language"; several instructions issued by the Ministry of Education " On education of persons belonging to minorities in the mother tongue ". Persons belonging to the national minorities in areas where they reside have the opportunity to learn their mother tongue, their history and culture. The core education curricula, provides possibilities to develop a school-based curricula and the introduction of elective subjects. Currently, are functioning classes and public schools for the education of the Greek and Macedonian minorities in areas where they live in substantial numbers. Despite the measures undertaken, are encountered problems and difficulties in the education of Roma children. However, several efforts have been made in connection with the preservation of the Romani language by opening the branch of "Romani language" in the "Alexander Xhuvani" University.

33. The existing legislative framework guarantees the right of education of national minorities, but are encountered difficulties related the implementation of the legal framework and infrastructural conditions for the education of the national minorities, in compliance with the "Framework

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<sup>27</sup> The results of the census on ethnicity, are published on the website of INSTAT:  
[www.instat.gov.al](http://www.instat.gov.al)  
<http://www.instat.gov.al/al/census/census-2011/t%C3%AB-dh%C3%ABnat-e-census-2011.aspx>

Convention". The intensification of the dialogue with representatives of the national minorities is needed to address requests of minorities in the field of education. Among the conclusions and recommendations of the Working Group "On the assessment of the legal framework and policies on minorities" it is deemed necessary to determine the status of minorities. In this context, because there are encountered difficulties to fulfil the legal obligations in terms of education in their mother tongue and the opening of classes. The draft law on minorities and bylaws envisaged to be drafted and adopted in implementation of this law, as well as the improvement of the existing legal and regulatory framework in the field of education will include the necessary legal provisions on the right of education.

34. In the the National Strategy "For the improvement of the living conditions of the Roma minority" and the Action Plan of the "Decade of Roma Inclusion" (2005-2015) concrete measures and activities were provided with regard to the effective inclusion of the Roma in designing, implementing, monitoring and assessing the measures adopted. The implementation of the recommendations of the high level seminar "Inclusion of the Roma and Egyptian community - The new challenges in the Albanian social development", (held in February 2014) is predicted as a target with concrete measures in the Roadmap on the implementation of 5 priorities regarding the 5th priority "the human rights". This seminar conceived in the form of a dialogue between the state, civil society, the Roma and Egyptian organizations and experts, served for drafting concrete steps to improve the socio - economic situation of these communities. The recommendations arising from the seminar were discussed with all stakeholders responsible for ensuring the adoption of concrete measures from each institution to improve the social-economic situation of these communities and include these recommendations in their political and strategic documents.

35. The Strategy and Action Plan on the Decade of Roma Inclusion 2005-2015 and the Social Inclusion Strategy served as the framework for the drafting of the National Action Plan for the Integration of the Roma community and the Egyptian one. Special attention was paid to harmonizing the preparation of this plan with the administrative territorial reform, the reform on social services and decentralization. In addition to implementing the recommendations of the Seminar on the inclusion of the Roma and Egyptian communities during the period 2014-2015, the Ministry of Social Welfare and Youth (MSWY) led the process of drafting the National Action Plan for the Integration of the Roma and Egyptians. The Action Plan for Integration of the Roma and Egyptians 2016-2020 (adopted in December 2015)<sup>28</sup>, provides concrete measures to improve the conditions of the Roma and Egyptian communities. The drafting process of this Action Plan was developed as a comprehensive process, followed by consultative meetings and special trainings to ensure the role of each institution in their respective fields of competence, and the involvement of communities in this process. This process was developed through: 1) identifying the needs that the Roma and Egyptian communities really have; 2) the involvement of interest groups and representatives of the Roma and Egyptian communities, by having an important role; 3) addressing the specific needs, through concrete measures and activities with the focus: access to justice system; civil registration; education; promotion of intercultural dialogue; employment and vocational training education; health care; social protection; housing; creating the data base (including any existing data), and identifying the measures to improve the statistics for these communities. This Plan represents an escalation of the measures implemented and which are under implementation process, and foresees new activities for the integration of the Roma and Egyptians.

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<sup>28</sup> Information on the field, objectives and activities provided by this Action Plan is presented below, in the third part of the Report.

The Action Plan was prepared in close consultation with the line ministries, representatives of the Roma and Egyptian communities and other stakeholders. The National Action Plan for the Integration of Roma and Egyptians, the fields and measures to address issues related to Roma and Egyptians include: 1) the field of education; 2) the field of housing and urban integration; 3) the field of health; 4) the field of social protection; 5) cooperation with the local government; 6) coordination, monitoring and assessment of policies. This Plan provides special funding from the government, donor funding and use of existing resources. The plan includes data in financial terms by providing the costing of measures and data on coverage from the state budget. In connection with these activities funds are provided for from the state budget. Likewise, the financial gap for the period 2016-2020 and the possibility of funding, through foreign aid coordination, are identified. Monitoring the implementation of measures and activities provided is implemented by the Ministry of Social Welfare and Youth (MSWY) in close cooperation with representatives of these minorities, the line ministries and institutions, the civil society, local government, and the international community

36. The third seminar on "Albania-EU Political Dialogue for the Inclusion of Roma and Egyptian Communities in Albania" was held (in April 2016) in cooperation with the European Commission. This seminar was attended by representatives of the central and independent institutions, associations of Roma and Egyptian communities, the civil society, representatives of international organizations. Following the previous seminars, this one aimed at drafting specific recommendations to effectively address the problems of these communities, according to the fields. The recommendations of this seminar include a variety of fields such as education; employment; health and social care; housing; civil registration; Roma integration policies, instruments for coordination, monitoring and the budgetary resources. These recommendations contain detailed objectives according to the areas, the problems identified, concrete measures, indicators and timelines for their implementation during the 2016-2018 period<sup>29</sup>. The recommendations of this seminar, which have been agreed upon with the European Commission, have been published on July 2016 by the Ministry of Social Welfare and Youth<sup>30</sup>.

37. One of the issues addressed during the previous monitoring cycles of the Framework Convention is the signing and ratification of the Charter of Regional and/or Minority Languages. Upon joining the Council of Europe in 1995, Albania made a series of commitments, among which is also the adherence to the Charter of Regional or Minority Languages. Given that the Charter aims to protect and promote the use of regional and minority languages and their use in public and private life, the signing and ratification of the Charter is an issue that requires carrying out a study and analysis, and informing the relevant institutions, independent institutions, interest groups on the selection of its paragraphs and subparagraphs, which can be implemented by our country, as well as to assess the possibility of its signature<sup>31</sup>.

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<sup>29</sup> Detailed information on these recommendations is presented below, in the third part of the Report.

<sup>30</sup>The recommendations of this seminar are published on the website of the Ministry of Social Welfare and Youth: <http://www.sociale.gov.al/al/te-reja/lajme/konkluzionet-e-seminarit-te-komuniteti-rome-dhe-egjiptiane&page=1>

<sup>31</sup> More detailed information is provided below, in paragraphs 37-40.

**III. Further measures to implement the provisions of the Framework Convention; measures on implementation of other recommendations of Committee of Ministers' Resolution; measures on implementation of the recommendations contained in the Advisory Committee's third Opinion.**

**Article 1- The signing and ratification of the Charter for Regional or Minority Languages**

38. The signing and ratification of the Charter for Regional or Minority Languages is an issue that is under the constant attention of the Ministry of Foreign Affairs and of the relevant institutions. In this regard is evaluated the need of an assessment of the current legal framework on the selection of paragraphs and subparagraphs thereof, which may be implemented by our country. In order to inform the Albanian institutions, the independent institutions and the groups of interest, in the month of April 2014, the Council of Europe in cooperation with the Ministry of Foreign Affairs organized an informative workshop on the European Charter on the regional and minority languages, as well as the obligations for its implementation<sup>32</sup>.

39. In cooperation with Albanian institutions, the MoFA is working in terms of assessing the minimum required number of paragraphs or subparagraphs (35 paragraphs) that can be implemented, based on the existing legislative framework, the context and the specific needs of the country and the financial possibilities of the state. From a preliminary assessment of the existing legal framework it was not managed to select the necessary number of paragraphs or subparagraphs (35) for signature.

40. The election of provisions of the Charter, the obligations to be met by the State party, determination of the territory where the speakers of these languages are located, evaluation and assessment of the existing legislative framework, as well as the further improvement of the legislative framework need to be taken into consideration. The Charter is a complex document and the decision to sign and ratify it requires a political decision, as well as a technical process on the compliance with the domestic legislation and the legal and financial possibilities for its implementation.

41. In the framework of the 3-year Action Plan of the EU-CoE Horizontal Facility for the Western Balkan countries and Turkey (2016-2019), on the implementation of the Plan for Albania, the Council of Europe in cooperation with the Albanian institutions are working on drafting the measures, and concrete actions for the support of the Albanian authorities related the information on this Charter, and preparation of an analysis on the impact of the implementation of the Charter in the Albanian context.

**Article 3- The scope of the Framework Convention - the right of free self-identification**

**1. Personal scope of application of the Framework Convention**

42. In relation to the recommendations on the scope of the Framework Convention, and the intensification of the dialogue with representatives of the Bosniac community and the Egyptian

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<sup>32</sup> This seminar was organized with the support of the joint EU- CoE project "Promotion of human rights and minority protection in South East Europe".



one for the protection and implementation of the provisions of the Convention relating thereto, we inform you that the Albanian authorities are considering the issue of the recognition of the Bosniac community and the Egyptian one as national minorities.

43. In connection with the recommendations of the Advisory Committee on the possibility of adopting a law on minorities<sup>33</sup>, as evidenced above, the Albanian institutions are working on the draft law on the protection of minority rights, intended to fill in the existing legal gaps, and clarify the policies towards them. This bill will target a flexible and open approach with regards to the scope of implementation of the Framework Convention, and the possibility of involving the groups of persons from the Bosniac community and the Egyptian community in the field of implementation of the Framework Convention, especially regarding their cultural and linguistic interests.

44. The drafting and approval of the draft law on minorities is intended to provide the legal criteria for the recognition of minorities, and will constitute a significant step in ensuring the involvement of groups of persons in the implementation of the Framework Convention, especially regarding their cultural and linguistic interests. Likewise, the improvement of the legislative framework on minorities will seek to involve persons belonging to the minorities in the implementation of the Framework Convention, as well as guaranteeing the rights of minorities, in accordance with the Framework Convention.

#### **The 2011 Census and issues related to self-identification**

45. The questionnaire of the 2011 Census of Population and Housing, during its preparation stage, underwent the process of stakeholders' consultation, where a series of meetings were conducted about the questions to be contained in the questionnaire. These meetings were aimed at informing the public about the census process and its importance, but also to enable the coverage of users' requirements.

46. In the questionnaire of the 2011 census in Albania, as in most countries of the region, there were included the question on the ethnicity, the question on religious affiliation and the question on the mother tongue. According to international standards, questions on ethnic and cultural characteristics of the population and housing census refer to data on the language, ethnicity, and religion. The questions concerning ethnicity and religion have been optional (not mandatory) questions and were based on the free identification of every persons, providing the possibility for the respondents not to answer. Ethnicity is defined as "a common sense of historical and territorial origin of an ethnic group or community including special features that include language, culture, religion, customs and lifestyle. The question on ethnicity provided the free self-identification of persons, and the possibility for non-response. In connection with the optional questions, pre-coding modalities were not predicted and from the data processing process 430 responses resulted with regard to data on ethno-cultural affiliation. Collecting data through open questions was a complex process and this approach created the opportunity for respondents to self-identify their ethnicity. The classification procedures and preparation of data tables on optional questions (as was the question of ethnicity) is based on international standards on the data on language, ethnicity and religion, as well as the recommendations of the Conference of European Statisticians

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<sup>33</sup> As evidenced above in the second part of the Report.

(EUROSTAT) on population and housing censuses. The question on the mother tongue is processed and analyzed without regard to the responses in the question of ethno-cultural groups or religion<sup>34</sup>.

47. In fulfilling the international commitments, self-identification as a subjective criterion and the objective criteria related to the identity of the person, will constitute the basic criteria for identifying the ethnicity of the population. The drafting and approval of the draft law on minorities will be in accordance with the principle of self-declaration of ethnicity, in accordance with Article 3 of the Framework Convention and the Constitution of the Republic of Albania by guaranteeing the right to every person belonging to a national minority to freely choose to be treated or not to be treated as such, as well as guaranteeing the rights which are connected to with this choice, individually and in association with others.

48. The Law No. 10 442, dated 07.07.2011 has made some amendments to the law based on the 2000 census, namely "On some amendments and additions to the Law No. 8669, dated 26.10.2000 "On the general census of the population and housing" as amended. According to this law "The Census" is the collection of information through questionnaires and the processing of such data, in order to provide a complete list of all individuals, families, housing and buildings used for residential purposes within the territory of RA, in a single moment in time, and the production of statistics related to demographic, economic and social characteristics of the Albanian population. In connection with the "obligation to respond, the law provides that "all persons of Albanian nationality or foreigners, as well as stateless persons, except the diplomatic staff accredited in Albania, who at the time of the census are within the territory of RA, must provide the information requested in the questionnaires of the population and housing census, under the provisions of this law.

49. In terms of categories of the data and their usage, the law provides that: 1) The data collected by the census are categorized as: a) identifying and personal data of the individuals; b) identifying and structural of the buildings, dwellings, collective living dwellings. 2) The data collected by the census will be used only for statistical purposes, in accordance with the law "On official statistics", and with international standards and recommendations. This law expressly provides that the data collected by the census will not be used for any electoral list or updating of any civil registry and any other administrative register. The confidentiality of the data collected from the census is protected by the provisions of this law and the legislation applicable. Statistical results, collected from the census, are published at the national and local level, ensuring that they are presented in a form that precludes direct or indirect identification of the individual". The law on the the census contains a special provision on informing the public of the purpose and procedures of the census, and the legal obligations related to it are made public through the media and a broad information campaign, run by INSTAT. The information campaign starts 8 weeks prior to the census and concludes with the issuance of the preliminary results of the census".

50. This law has defined the relevant violations and sanctions with fine, which constitute a penal contravention: 1) Refusal to make a declaration or making a false declaration; 2) Violation of confidentiality rules, and other rules defined in this law. Likewise, Law on the census of population also provides the right to appeal against the sanctions for administrative contravention.

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<sup>34</sup> On the website for INSTAT have been published data as well, according the question of the mother tongue and the question on religious belonging.

According to the INSTAT information as the institution responsible for the assessment of administrative contraventions, there has been no case of fine application for false declaration of data including also data of ethnic belonging.

51. In connection with the findings of the Advisory Committee on the former "minority zones"<sup>35</sup>, we would like to point out the position of the Albanian authorities<sup>36</sup>, concerning the issue of the so called "minority zones". The term "minority zone" is not mentioned in any of the legal acts and the minority rights are guaranteed in the entire territory of the Republic of Albania, both within and outside the places of the origin. On the other hand there has been no official practice of application of this criterion, which is not provided for by the Albanian legislation. The Constitution and national legislation guarantee the right to choose the residence and freely move to any part of the Albanian territory or to travel freely abroad; these rights are also enjoyed by persons belonging to the national minorities, just like all Albanian citizens. On the other hand the Framework Convention itself does not contain the term "minority zones", but *areas* traditionally inhabited by the minorities, or which have a substantial number of persons belonging to the minorities".

52. In order to collect other data on persons belonging to minorities and the geographical distribution, the local government bodies have identified some data regarding their number and their location in some municipalities of the country<sup>37</sup>. The Albanian authorities wish to point out that the exercise of the rights of persons belonging to minorities provided by the Framework Convention and the drafting of policies related to them, is not conditioned by the outcome of the 2011 census.

53. In connection with the collection of data on Roma and Egyptians, Agencies of the United Nations (the UNDP office in Tirana) in collaboration with INSTAT have prepared the study "Roma and Egyptians in Albania: A profile of socio-demographic and economic development based on the 2011 census"<sup>38</sup>.

54. The Action Plan for the Integration of Roma and Egyptians 2016-2020 envisages the preparation of a data base (including any existing data), as well as the measures to improve the statistics for the Roma and Egyptian communities. This Plan presents data from various studies on these communities.

#### **Article 4 – Prohibition of discrimination**

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<sup>35</sup> Paragraphs 39, 45, 157 of the Opinion of the Advisory Committee of the Framework Convention.

<sup>36</sup> This attitude is also highlighted in the reports of previous monitoring cycles, as well as in the comments by the Albanian authorities on the opinions related respective cycles.

<sup>37</sup> Information on the data collected by the local government bodies, provided by the Ministry of Internal Affairs is provided in the Annex attached to the Report.

<sup>38</sup> Roma and Egyptians in Albania: a socio-demographic and economic profiles based on the 2011 census. The study is published on the website: [http://www.al.undp.org/content/albania/en/home/library/poverty/\\_roma-and-egyptians-in-albania--a-socio--demographic-and-economi.html](http://www.al.undp.org/content/albania/en/home/library/poverty/_roma-and-egyptians-in-albania--a-socio--demographic-and-economi.html)

55. Albanian institutions are committed to continuous improvement of the legislative, institutional framework, and of the policies for the protection and observation of human rights, fundamental freedoms and the prohibition of discrimination according to the areas. Furthermore, addressing the issues of the Roma and Egyptian communities where non-discrimination constitutes one of the main principles of social and integration policies, as the Strategy on Social Inclusion, the Strategy for the Development and Integration, the National Plan of Action for the Integration of Roma and Egyptians, create more opportunities for the implementation of their rights in practice. Amongst the main developments in the legislative framework are identified:

- Law no. 69/2012 dated 21.06.2012 "On pre-university education system in the Republic of Albania". The Law on pre-university education system aims *to guarantee the constitutional right to education for all*, according to the relative legislative framework for the functioning of the pre-university education system in the Republic of Albania. This law guarantees the right to education of all citizens, without discrimination on grounds of gender, race, color, ethnicity, language, sexual orientation, political or religious beliefs, economic or social status, age, location, disability or other reasons defined in the Albanian legislation...".
- Law no.108/2014 "On State Police" provides that the State Police has, among others, as their mission the preservation of public order and security, ensuring the rule of law, in accordance with the Constitution and international conventions on human rights. The basic principles, according to which the State Police is led in its activities, are: a) legality; b) non-discrimination; c) respect for human rights and fundamental freedoms.
- Law No.9232/2004 "On the social housing programs for the inhabitants of urban areas" as amended, and bylaws for its implementation, are the legal grounds for solving the housing problems. This law defines the conditions and criteria for dealing with social housing programs, of the inhabitants who are in need of and can not afford to address the housing market.
- Law No.10383, dated 24.02.2011 "On the compulsory health care insurance in the Republic of Albania", (as amended), sets out the mode of insurance to any individual or category of people for having access to health services. According to this law health care is guaranteed for all persons belonging to minorities without discrimination from the majority of population.
- Law "On legal assistance", (No 77/2014 "On some additions and amendments to Law no. 10039, dated 22.12.2008), provides that the right to obtain legal assistance is given to persons who: ask to be defended by an attorney in criminal proceedings in all its stages and, due to lack of financial resources, could not choose a lawyer or have remained without any; are in need for legal assistance in civil and administrative matters, but do not have sufficient means to pay for legal assistance or the cases are too complex from the content and procedural point of view; they need to defend their rights, through filing a petition, but did not have sufficient means to pay the tax on acts and the necessary expenses for notices or other judicial services. In this case, in order for a person to benefit from the legal assistance, he must prove that: i) he is included in the social protection programs or meets the conditions to be included in them; or ii) is a victim of domestic violence or a victim of trafficking in human beings, for litigations related to them. The State Legal Aid Commission assesses the meeting of the criteria to benefit the legal aid, the involvement in social protection programs or fulfillment of the conditions to be included in them and every other circumstance that puts the person in terms of inability to ensure legal assistance

privately. On the proposal of the State Legal Aid Committee, the Minister of Justice issued special instructions for the elaboration of the criteria to be met by these persons. The table for categorizing the benefiting rates of legal aid according to the number of members that the person has in the composition of his/her family and the average monthly income of his family, is approved by decision of the Council of Ministers". Article 16 of the law stipulates also the presentation of the request and documentation for benefiting legal aid. Such a request must be submitted in person either by the applicant or his representative at the State Legal Aid Commission. The request for legal assistance in the form of the exemption from payment of tax on acts and necessary expenses for notices or other court services must be submitted personally by the applicant or his representative, authorized by proxy.

- Amendments Labour Code in 2015 provided the prohibition of any form of discrimination in the exercise of the right to employment, under the provisions of the Code and the Law "On Protection from Discrimination". Under this code, the definition related to "discrimination" implies any distinction, exclusion, restriction or preference, based on ethnicity.

### **The Commissioner for Protection from Discrimination**

56. In order to guarantee effective protection from discrimination, the law "On Protection from Discrimination" foresees the establishment of the Office of the Commissioner for Protection against Discrimination (CPD) as a public independent institution, in exercising his duty and the authority responsible for "providing effective protection against discrimination and any form of conduct that encourages discrimination ". The Commissioner's office has its own structural organization chart consisting of 21 employees<sup>39</sup>. The Commissioner has his own independent budget, funded by the State Budget and from various donations. The budget allocated is in function of the realization of the policy set forth in the document "Statement of the Programme Policy". This budget also aims to take certain actions in order to achieve the objectives set out for this budget program.

57. The institution of the Commissioner for Protection from Discrimination has been part of the inter-institutional Working Group "For the assessment of the legislative framework and policies on minorities" making a valuable contribution to the non-discrimination of minorities. Pursuant to the law "On protection from discrimination", the Commissioner for Protection from Discrimination (CPD) has the authority to assist the victims of discrimination by examining the complaint or assistance in court and ex-officio investigations that are issues undertaken at the Commissioner's initiative. During 2015, the CPD has handled a total of 288 issues (268 complaints and 20 issues ex-officio). Of these 197 (180 complaints and 17 issues ex-officio) registered in the year 2015, and 91 (88 complaints and 3 issues ex-officio) carried over from the year 2014. The complaints of the individuals occupy 94% of the total, while 4% of them are occupied by those of the organizations and 2% by groups of persons. According to areas the following has been identified: 62% of the complainants alleging discrimination in the area of goods and services; 28% of complainants alleging discrimination in employment; 10% of applicants claiming discrimination in the field of education. Discrimination because of race remains the main cause of which discrimination is

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<sup>39</sup> Commissioner for Protection from Discrimination; Inquiry-Inspection Directorate; Procedural Law Department and Foreign Relations; Directorate of Support Services; Public Relations Sector.

claimed. About 50% of the total complaints in 2015 are occupied by those due to race. During this year, 88 complaints were addressed and 7 cases initiated ex officio at the initiative of Commissioner claiming discrimination because of race. The concerns set forth by the complainants of the Roma community are related to: 1) non-obtaining and unfair treatment regarding the economic aid; Unequal treatment in the field of employment in the public and private sectors; Disregard of their right to housing and non-demolition of their dwellings under the legalization process.

58. During the year 2015, the CPD has come up with a decision on 169 treated cases by making a decision on the issues brought forward from 2014, as well as imposing sanctions with fines for 14 cases, for failure to fulfil the recommendations of the Commissioner or even when no information has been provided by the entities. During 2015, the examination of cases for 62 complaints from subjects and 5 cases initiated ex officio by the Commissioner have been completed. In some cases, the CPD has provided assistance to the Roma and Egyptian communities in completing the documentation for benefiting economic aid, for the enrolment of their children at schools, civil registration, access to social housing, and benefiting from students' fees, etc. It is noted that structured discrimination that does not refer to an individual, but to a whole group, continues to be present. From the analysis made on the cases assisted, it is shown that members of the Roma and Egyptian communities are not well informed about their rights and the services they might benefit or the ways to obtain these services.

59. During the year 2014, CPD has handled a total of 308 cases (290 complaints and 18 cases ex-officio), of which 180 (172 complaints and 8 cases ex-officio) recorded in 2014, and 128 (118 complaints and 10 cases ex-officio) carried forward from 2013. Likewise at the CPD, during 2014, in addition to the individual complaints, 6 complaints were presented by organizations with legitimate interests. These complaints are generally filed by organizations that protect the rights of Roma, Egyptian, LGBT communities, women's organizations, persons with disabilities, etc. In 2014, 160 complaints were handled and 4 cases initiated ex officio at the initiative of Commissioner claiming discrimination because of race. They account for 12% of all complaints submitted to the CPD. The problematics set forth in these complaints made by individuals of the Roma and Egyptian communities relate to: 1) Non-benefiting and unfair treatment for benefiting the economic aid, under the provisions of Law no. 9355, dated 10.03.2005 "On Social Assistance and Services" as amended, and bylaws issued pursuant to this law; 2) Incorrect definition of the rate of economic assistance benefited or termination of economic aid; 3) Unequal treatment in the field of employment, both in the public and private sector; 4) The use of offensive language and underestimation of the complaints by the law enforcement forces; 5) Observance of the right to housing and non-demolition of their dwellings that are under legalization process.

60. During the year 2014, have been examined 108 issues (104 complaints and 4 ex-officio). In most of the cases, complaints due to race are not investigated by the Commissioner, because they do not meet the criteria provided by the law 10221/2010 "On Protection from Discrimination". At the end of the examination and administrative investigation the CPD has made the following decisions: a) in 6 cases discrimination was found; b) 83 cases non-discrimination was found; in 4 cases the complainant has withdrawn the complaint; in 12 cases the issues were not accepted for failure to comply with legal requirements; in 1 case a decision with fine was made; in 2 cases examination of the complaint was dismissed due to impossibility. For the complaints because of

race, which were not accepted for consideration<sup>40</sup> because it did not meet the criteria provided by law 10221/2010 "On Protection from Discrimination", the Commissioner has suggested and recommended the path to be followed by the subjects for solving the issues presented before the CPD. In some cases, the CPD has provided assistance to the Roma and Egyptian communities in completing the documentation for benefiting economic aid, for the enrolment of their children in schools, civil registration, and access to social housing and benefit from student fees, etc.

61. During the year 2013, the Commissioner handled 137 complaints and 12 cases related allegation on race discrimination. It should be noted that in the individual complaints it was clear that the members of this community complain of discrimination in the area of employment, housing, education and services. In 2012, from the complaints is noted that the members of this community claim that they feel discriminated in the field of employment, housing and education. It should be noted that the Commissioner has started 6 cases ex officio, claiming discrimination because of race. Of these 3 cases, the reinstatement of the violated right has been achieved in cooperation with the relevant institutions.

62. The Commissioner has made strategic decisions based on the decisions of the Strasbourg Court or in regard of the principles established by the Court of Justice of the European Union. Likewise, he has rendered decisions on discrimination due to ethnicity (from a political entity). During his practice the Commissioner has made decisions involving discrimination and sanctions with fine for the use of "hate speech". From these 12 cases the CPD has found discrimination in 7 cases and has given 3 penalty sanctions. In designing the Strategic Plan 2012-2015 of the Commissioner for Protection from Discrimination, the increasing number of complaints of the Roma and Egyptian communities in the field of provision of goods and services and in the field of employment has been foreseen as a priority.

63. In the framework of the law implementation and intensification of the measures against discrimination, the Commissioner has made recommendations to the Albanian institutions in connection with the protection against discrimination in various areas such as: education, social inclusion, labor relations, and legislative amendments for improving the legal provisions, namely:

- In relation with legislative recommendations for the Family Code, the Commissioner has requested that amendments of this code should be in conformity with the Law "On Protection from Discrimination", mainly in connection with cohabitation.
- The Commissioner submitted a recommendation to the Ministry of Education and Sports, "On measures to combat discrimination with regard the right of education, at the beginning of the school year 2014-2015 in the pre-university education system". This recommendations was based on the identification of different problems encountered by groups and certain categories, as: students, mostly Roma, Egyptians, LGBT, with disability, children who due to blood feud can not get schooling, or those pupils who, because of difficult economic conditions or place of residence, encounter difficulties, down to the impossibility to be educated.
- The Commissioner has recommended for the Ministry of Education to adopt the secondary legislation (bylaws) in compliance with the law "On Protection from Discrimination".

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<sup>40</sup> During preliminary investigation of these complaints it resulted that they do not meet the requirements of the Law "On Protection from Discrimination" because: there is no sufficient information due to exceeding the deadlines and the incompetence of the institution to review the complaint.

- The Commissioner has recommended to the Ministry of Education and Sports that it should instruct specifically the Regional Education Directorates/Education Offices (RED/EO), to monitor continuously the measures taken by the headmasters of educational institutions to prevent and combat discrimination in schools, the method of treatment of the homophobic and stigmatizing behaviors and attitudes against students belonging to the LGBT community, the students pertaining to the Roma and Egyptian ethnicity, students with disabilities, but not only, as well as the method of handling the complaints for discrimination by the management of educational institution, an obligation that is provided by the law "On protection from discrimination".

## **The Ombudsman**

64. The institution of the Ombudsman exercises its activity under the law "On the Ombudsman". The Ombudsman protects the rights, freedoms and lawful interests of individuals from unlawful and irregular operations or omissions of the public administration bodies, as well as third parties acting on its behalf ". The competence effectively specified in the law on the Ombudsman, defines the protection of human rights, freedoms and lawful interests of the individual. The Ombudsman's institution has only dealt with the issues raising allegations on violation of human rights. This has not prevented such institution to interfere with recommendations as to any change or improvement of legislation with object protection from discrimination. Effectively there is a division of the work between the two institutions, the Ombudsman and that of the Commissioner for Protection from Discrimination, determined on the basis of a good working practice, established between the two institutions.

65. In November 2015, the Parliament of the Republic, with the adoption of Law no. 147/2015 "On approval of the 2016 budget", approved the request of the institution of the Ombudsman for increasing the number with two (two) commissioners (1 (one) commissioner in the Department for protection and promotion of children's rights and 1 (one) commissioner in the National Mechanism for the prevention of torture, cruel, inhuman or degrading treatment or punishment), and the approval of two (2) other employees. With the adoption of this law, the total number of employees went from 51 to 55 employees. Based on the decision of the Council of Ministers No. 23, dated 20.01.2016, "On determining the number of employees with temporary contracts for the 2016 in the Local Government Units", now the regional offices of the Ombudsman in the districts are already complemented with part-time contracted representatives (6 hours per day), marking a step forward given that these offices were managed by individuals on voluntary basis. The budget of the institution of the Ombudsman continues to be limited but currently the financial difficulties are overcome with the contributions provided by the Government of the Kingdom of Denmark through the project "Danish support to the Albanian Ombudsman - closer to the Local Communities, Civil Society and Media (2012- 2016) ". The project aims to build institutional capacity and strengthen ties with the civil society and the media, in order to make the Ombudsman more effective in three components of particular importance for the institution: 1. strengthening the democratic guarantees for the citizens at the local level and the civil society; 2. improving conditions in prisons and detention centers 3. enhancing the Ombudsman's public profile and position through links with the civil society and the media.



66. The Ombudsman is specifically involved in the promotion and protection of the minority rights. The Ombudsman's institution has been part of the inter-institutional Work Group "For the assessment of the legislative framework and policies on minorities", making a valuable contribution. In March 2015 the Special Report "On the situation of the minority rights in Albania" was sent to the Parliament. The dispatch of this special report was preceded by the holding of a national conference by the Ombudsman in December 2014 on the minorities' rights in Albania. Among the key recommendations are identified:

- Improvement of legislative framework on the protection of minorities remains one of the main issues, as there are gaps. In this context, it is necessary to adopt a law specifying the definition and the "de jure" recognition criteria of minorities, in accordance with the provisions of the Framework Convention.
- Improvement of legislative framework on protection from discrimination, focusing on some improvements to Article 1 of the Law 10221, dated 4.02.2010 "On protection against discrimination", including in this article as grounds for discrimination; nationality; announced intention for discrimination; instigation for discrimination and aiding and abetting of discrimination.
- Taking adequate measures and expanding opportunities for minority education, including the teaching in minority languages, promoting identity and developing culture of the minority.
- Taking specific legal and administrative measures to improve access to housing, social services, education services and participation in public life, particularly of the Roma minority, but also of other minorities and communities in the country. Real integration of minorities and other communities in daily life, especially in governance structures at the local or central level.
- Conduct of a population registration census of population, uncontested and accepted by all even from the minorities and other communities, that would provide the real data of persons belonging minorities, or even of other communities.
- Enhancement of the role and activity of all state institutions in promoting and respecting the minority rights, particularly the expansion of the activity of independent institutions on human rights and their support in relation with minority protection.

67. In regard to the Roma minority, a number of recommendations have been submitted by the Ombudsman as:

- Inclusion in vocational training programs and employment of members of the Roma minority;
- For the registration of members of the Roma minority in civil status registries and facilitation of procedures for the transfer of civil status data in the local units where they have a new residence;
- Adoption of measures that will impact on better access to education of children of Roma minority;
- Fulfillment of the suitable living conditions in the premises of the former military unit in Sharra, Tirana, where several families of the Roma minority would be sheltered;
- Adoption of measures to enable the registration of children of the Roma minority, located near the former military unit, Sharra, Tirana, in the 9 year schools near to their current residence;
- Amendment of the Law No.9232 / 2004 "On social housing programs for residents in urban areas", as amended

- Amendment of CMD 787/2005 "On determining the criteria, procedures and amount of economic aid"
- Adoption of measures to improve the living conditions of the Roma.
- Some improvements to the Law No. 69 dated 21.06.2012 "On pre-university education system in the Republic of Albania".
- Some improvements to the Law 10221, dated 4.02.2010 "On protection from discrimination", including in this article as grounds for discrimination; nationality; announced intention to discriminate; inciting discrimination and aiding and abetting discrimination.
- A set of recommendations for addressing the issue of the housing problem of the Roma families affected by the construction of the New Ring Road, for the city of Tirana.
- A set of recommendations for improving the living conditions of the Roma communities, settled in the Shkoza area, as well as in the "Bregu i Lumit" area, Tirana.

68. The Ombudsman has submitted four special reports to the Parliament concerning problems of Roma:

- Special report sent to Parliament of Albania, "On the rights of the Roma minority", on problems found in the activity of the Ombudsman, during the first 6 months, 2012.
- Special report sent to the Albanian Parliament in early 2014, "On the problems and the situation of the rights of the Roma minority in Albania", after an inspection of all the main sites of Roma in Albania.
- Special report sent to the Albanian Parliament in February 2016, "Displacement of the Roma/Egyptian community, located in the area of Artificial Lake, Tirana".

69. In 2015 and 2016, in cooperation with the OSCE office in Albania, the Ombudsman has conducted activities (auditoriums) in the city of Gjirokastra, on minority rights, with the participation of various institutions, minority, civil society associations, and international organizations.

### **Social economic situation of Roma and Egyptian communities.**

70. High-level seminar on "Inclusion of Roma and Egyptian communities - a new challenge to the social development of Albania" organized on 20-21 February 2014, was conceived in the form of a dialogue between the state, the EU Delegation in Tirana, the civil society, the Roma and Egyptian organizations and international experts of the field. The recommendations deriving from the seminar were discussed with all stakeholders in charge to ensure that each institution will undertake specific interventions to improve the socio-economic situation of these communities. The respective institutions were committed to incorporate these recommendations in their political and strategic documents. In order to implement the abovementioned recommendations, in the second half of 2014, the the Ministry of Social Welfare and Youth<sup>41</sup> (MSWY) began the work on drafting the National Plan of Action for the Integration of the Roma and Egyptians for the period 2016-2020, in line with the Albanian government in the field of social inclusion and international standards where Albania has adhered to. The action plan for the integration of the Roma and Egyptian communities was developed through a participatory planning process. The guiding principles of this plan include, among other things, an approach oriented towards human rights,

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<sup>41</sup> Hereinafter MSWY.

minority rights, focusing on the youth and gender equality etc. Lessons learned from the implementation of the National Strategy on Roma and Action Plan of the "Decade of Roma Inclusion", constitute the essence of the drafting of the new plan of action. Special attention was paid to the work to harmonize the development processes of this plan with the new territorial administrative reform, the social services reform and decentralization. Another achievement is the operation of the ROMalb online system for entering data from the focal points of the line ministries and on local level (regional councils).

71. In terms of education, in the 2013-2014 academic year, the number of Roma children in pre-university education system was in total 4219, as compared to 4085 that has been in the 2012-2013 academic year. During this academic year 93 Roma and Egyptian teachers were identified as graduates in teaching, of whom 86% are employed in the system (80 teachers): 10 in pre-school education, 21 in the grades from I-V; 35 in the grades from VI-IX (1 Egyptian school head master in Dibër) and 14 in the upper secondary and higher education. In the 2014-2015 academic year, there are enrolled in the compulsory education: 4437 Roma pupils and in the upper secondary education 408 Roma pupils. The number of Roma pupils, who have benefited textbooks free of charge during the 2013-2014 academic year was 3370 and for the 2014-2015 academic year 3219 pupils and for the 2015-2016 academic year 3205 Roma pupils romë and 4673 Egyptian pupils benefited textbooks free of charge. From the implementation of a pilot project, 315 Roma and Egyptian pupils of the 9-year "Naim Frashëri" school, Korçë, benefit scholarship/daily food quota of 76 ALL for 170 instructional days. The Ministry of Education and the Ministry of Welfare in partnership with ARSIS (Social Organization for the Support of Youth) with the support of the Roma Education Fund (REF) has started the implementation of the project entitled "The improvement of the educational achievements of the Roma and Egyptian youngsters of the ninth grade and their follow up to the upper secondary school graduation". In the framework of this project, the Roma and Egyptian pupils of the 9<sup>th</sup> grades were awarded 80 social scholarships<sup>42</sup>. For the academic year 2015-2016, 3205 Roma students and 4673 Egyptian students benefited school textbooks free of charge.

72. In the framework of the recommendations of the seminar, several meetings were held in 12 district centres where there are higher concentrations of Roma families. In connection to civil registration, the aim was to identify the unregistered cases and determining their manner of settlement, administrative or judicial settlement. Likewise, the process of registering the previously identified cases continued orderly. From this process, during 2014, 147 children were registered as late registrations.

73. In connection with economic assistance during 2014, 1500 Roma and Egyptians families were beneficiary of the Economic Aid Scheme. Among 800 elderly beneficiaries of the day care and residential services 80 are Roma. From 653 children (children in need and children with disabilities) living in residential social care institutions, public and non-public, 155 are Roma and Egyptian children.

74. Services in the Emergency Transit Centre: In the context of the protection, promotion and integration of the Roma community, after taking in administration from the Ministry of Defence, the former military unit located in Shish-Tufinë and arranged the families of the Roma community,

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<sup>42</sup> 30 Euro/month for each chosen pupil, 300 Euro/year.

the Ministry of Social Welfare and Youth was committed to the establishment and well-functioning of the Emergency Transit Centre to transform it into a furnished social centre, aiming at the temporary housing of the families who are in the impossibility to have a housing and make a living. This Centre provides direct support for meeting the basic and psychosocial needs. In the year 2014 the number of families was 53 Roma families, and 103 children. In the year 2015, the number of Roma families was 47 and 80 children. With the support of the Terre des Homes organization, the State Social Service has modelled the psychosocial services, the awareness raising, educational, creative, informative activities, in order to support children and families, with the purpose of their rehabilitation, welfare and reintegration into the society.

75. In connection with protection of children and strengthening families are provided services for child protection, and case management through a multidisciplinary approach. Specifically were identified 18 cases of children in street situations exploited for work and begging. 42 children have been enrolled in public schools and 23 have attended the Romani Baxt kindergarten. It was provided the support to register the adults as job seekers, and to inform and support them for the preparation of documentation of application for economic assistance, as well to have access to health service (to obtain a health passbook). For some families was provided support with food packages according to the individual intervention plan. Some families are supported and advised to set up activities for generating income (commerce) and securing working means. Measures have also been taken on: 1) building parenting groups for the upbringing and development of children; 2) activities for children after school time; 3) thematic, awareness raising and psychosocial activities with children, families and community members; 4. promoting and encouraging the idea of volunteering.

76. Regarding the problems of human trafficking, some changes were made to the Criminal Code to address this phenomenon along with some other legislative changes; the victims of trafficking are now being provided financial assistance and social services in the reception and reintegration centres. The government has also adopted bylaws for a better coordination of anti-trafficking activities at central and local government level. In 2014, out of 101 potential victims who are accommodated in 4 shelters, 11 are from the Roma and Egyptian communities, benefiting from the above services.

77. Healthcare: In February 2014, in association with Vodafone Albania Foundation, the Ministry of Health made it possible for the Roma minority to be involved in the project for early or basic health check up through the use of telemedicine medical techniques. Therefore, the national map showing the location of the Roma minority and health Centres that are closer to them was made available to this initiative. Vodafone Albania Foundation reporting takes place once a year, and the monitoring is carried out jointly with the Ministry of Social Welfare and Youth and the Public Health Institute. Likewise, the Ministry of Health has supported the project "9 + 3 Healthy Maternity" conducted by Save the Children during the period August 2013 - July 2014. The project involved Roma women in the area of Kinostudio and Shkoza. There are 86 women beneficiary from weekly information sessions regarding the access to health services. Related the mother helath care, 61 pregnant women received care during pregnancy and 25 newlywed women (future mother) benefited from the project, while 12 women were supported to obtain a health passbook.

78. Vaccination is a service provided free of charge to the entire population, including the Roma and Egyptian children. Nurses, who make vaccines, go door to door to identify children and to vaccinate them. The migration of Roma nad Egyptians families and the lack of education makes

them vulnerable; therefore each year, the Institute of Public Health (IPH) makes a screening of the areas where these families live to identify unvaccinated children. In 2014, IPH undertook the initiative to cover more than 95% of each Roma and Egyptian community. Often, nurses doing vaccines, cooperate with social workers or mediators to improve communication with the community and to vaccinate more Roma and Egyptian children simultaneously. In addition, IPH has piloted the immunization information system in Shkodra and now is working in Lezha and Malësia e Madhe, including unvaccinated children. Institute of Public Health identified in the field all the Roma and Egyptian children, which are vaccinated free of charge even when they do not have documents. Educational and promotional activities have been conducted in health centres in different districts of the country. The programs mainly address the most important issues such as reproductive health, maternal and child health, adequate measures for protection against HIV/AIDS in these communities, awareness raising programs for personal hygiene and of the residential areas.

79. Housing: Pursuant to the Law 9232, dated 13.05.2004 "On social housing programs" (as amended), the Plan of Action of the Strategy "To improve the living conditions of the Roma and Egyptian community", the European Commission Recommendations (Priority 5, road map) and the "Small Grants Program", the Ministry of Urban Development, from 2014, has implemented the project "On the improvement of the living conditions of the Roma and Egyptian community". In this framework, the terms of reference have been approved for projects on the improvement of the living conditions of the Roma and Egyptian communities. They were sent to all local government units in order to submit their projects.

80. In 2014, the Ministry of Urban Development (MUD) financed the fund of 63,754,473 ALL from the budget of the Ministry for the project implementation in 4 Local Governmental Units and specifically in Lushnje Municipality, Otlak commune, in the municipality of Lezha and Përmet as follows:

- **Lushnja Municipality** drafted and lodged with MUD the project "Emergency intervention in the Roma neighborhood, Saver neighborhood, Lushnja". From this project finalised in December 2014 with a value 29,330,889 ALL, out of 22 families benefited from the reconstruction of housing and around 150 families from the construction of the wastewater sewer and water supply system.
- **Otlak commune** developed a project in two stages, which ended in December 2014. From this project 24 families benefited directly and 100 indirectly, in total 124 Roma families. The first stage of the project "Reconstruction of dwellings of the Roma community, interventions in infrastructure and in wastewater sewers in Morava village, Otlak commune" was in value terms of 11,014,844 ALL. From this project, 19 families benefited from the reconstruction of the dwellings (direct benefit) and about 50 families from the intervention in the wastewater sewage network (indirect benefit). The second phase of the project, "Reconstruction of the dwellings of the Roma community, interventions in the infrastructure and wastewater sewers, in Morava village", was in value terms of 9,192,610 ALL. From this project, 5 families benefited from the reconstruction of the dwellings and about 50 families from the construction of the main collector for the wastewater sewers.
- **Lezha Municipality** developed the project entitled "Reconstruction of 36 houses of the Roma and Egyptian community in Skënderbeg neighborhood", in value terms of 9,426,848 ALL, that ended in December 2014. From its implementation, 36 Roma dwellings were reconstructed.
- **Përmet Municipality** drafted the project "Urgent intervention in the dwellings of the

Egyptian community, Përmet", in value terms of 4,789,282 ALL, for the reconstruction of 8 Egyptian dwellings. The project ended in December 2014.

81. In total during 2014, about 340 families of the Roma and Egyptian communities benefited, directly and indirectly, from the implementation of this program in the projects implemented by the aforementioned Local Government Units (LGUs). Likewise, they were involved in employment during its implementation phase, affecting a little bit their quality of life.

82. In relation with employment, during the year 2014, were registered 9690 persons from the Roma and Egyptian communities (out of them 4875 females) as unemployed job seekers at the relevant Employment Offices. They have benefited from the services provided by these offices, such as mediation, counseling and orientation, jobs and occupations. In the main districts of the country have been opened 10 new employment offices (the new model is extended to existing offices). They offer three level services: information, employment services and individual counseling, mainly for groups with special needs. The employees of the services system have been trained and their training continues to implement the new model of employment services. From the implementation of employment promotion programs for 2014, were employed 146 unemployed jobseekers from the Roma and Egyptian communities. The public centers of vocational training (around), in different regions of the country offered free vocational training for 175 unemployed jobseekers from the Roma and Egyptian community which are certified in different professions, such as cooking, tailoring, plumbing, repair and maintenance of vehicles etc.

83. On the occasion of International Roma Day (April 8), several social and cultural activities were organized in the premises of the National Museum (Romaweek from April 5 to 9) aiming the promotion of the Roma cultural values. The program included among others an exhibition of the works of a visual Roma artist, who exhibited his works inspired from Roma motifs from and each of the works was accompanied by explanations about the message sought to be transmitted; screening of documentaries about Roma art and culture and a concert with about 11 Roma instrumentalists who performed elaborated Roma music under the slogan "equal in diversity".

84. Regarding the social inclusion of vulnerable communities, in cooperation with international organizations and Roma associations, various projects have been implemented in support of the Roma. A model of inclusive planning has been utilized in the local government units where there was a Roma community (Tirana, Durres, Fier, and Elbasan). The access is based on the mobilization of local communities in community-based organizations, which started functioning with open community forums, where local needs are prioritized and implemented in partnership with the relevant local authorities. Identified infrastructure projects include physical and social infrastructure, including the rehabilitation of roads, rebuilding bridges, sewage disposition and construction of community centres with kindergartens and health facilities. In implementing the program it was worked closely with the Roma capacities and Egyptian NGOs, aiming at their empowerment in implementing the development projects. To this end, the program was designed to offer relevant training, following which there would be small grants for the implementation of development projects for the Roma and Egyptian NGOs. The main target has been the access to rights and services, focusing on civil registration, community policing, mediation in health, child care, preschool education, employment. Various public institutions, professional organizations, employers' associations and microcredit institutions have organized various activities in pursuit of this target. An analysis of the labor market was done to identify concrete recommendations and

apply certain encouraging standards for the accommodation of vulnerable Roma persons in the labor market including Roma artisans, unqualified individuals living in rural and remote areas, unqualified individuals living in urban or semi-urban areas. Individuals have been assisted in applying for work through the employment offices.

85. Awareness raising campaigns on the importance of birth registration records and registrations were held in the community of the Roma settlements. Roundtables were organized on civil registration and concerning the measures to be undertaken directly/indirectly by the institutions for the members of the Roma community. The Ministry of Interior, in cooperation with UNHCR and UNICEF, involved in the civil registration process not only the central/local government and the NGOs specialized in legal assistance, but also the local Roma NGOs.

86. In order to establish an effective way of monitoring and evaluating the progress of the National Action Plan at national level, and to ensure the inter-institutional coordination, a manual was compiled. This manual introduced a new way of drafting the progress reports on the indicators of the "Decade of Roma inclusion" 2010-2015. Ministry of Social Welfare and Youth has coordinated the process of establishing this new monitoring and reporting system of indicators included in the Decade of Roma Inclusion Plan. In this context, consultative meetings were held with relevant contact points and representatives of other departments of the line ministries that deal with the Roma issues.

87. Concrete initiatives have been undertaken to develop policies for promoting and facilitating the Roma community, to promote their employment their training and integration into the labor market. This policy has always been a priority in realizing the objectives of the National Strategy "For the improvement of the living conditions of the Roma". Based on the Decision no. 48 dated 16.01.2008 "On encouraging program on the employment of unemployed persons in difficulty", the employer who employs an unemployed Roma for a one-year contract term may obtain: 1) a grant for a year in 100 percent of the employer' mandatory social security contributions; 2) funds for four months in 100 percent of the minimum wage in the country.

88. One of the priorities targeted by the MSWY is the professional training and qualification for unemployed jobseeker, implemented by the National Employment Service. The state provides financial support for all the unemployed job seekers. Training courses offered in the 10 Public Regional Directorates of Vocational Training, which are located in major cities of the country such as Vlora, Shkodra, Tirana (2) Durres Elbasan, Korça, Gjirokastra, Fier and a mobile centre for the northeast area. During 2013, were trained 200 unemployed Roma. These courses with a duration from 2-6 months are necessary in the labor market, offered training on: repairer and maintenance of vehicles, electrical equipment, electric network, domestic heating, cooling systems, solar panels, plumbing, tailor, cook, waiter, bartender, mason, welder, plastering works, joiner etc.

89. In the area of social protection, progress has also been made in the Law No. 9355 of 10.3.2005 "On social assistance and services", as amended by Law No. 10399 of 17.03.2011 "On some amendments and additions to Law No. 9355 of 10.3.2005 "On social assistance and services", families pertaining to the Roma minority as families in need, are excluded from the calculation of income in case they get economic aid.

90. Regarding education, there have been improvements in relation with attendance of schools by children of the Roma/Egyptian communities, based on DCM No. 42, dated 18.01.2012 "On approval of the pilot project regarding measures to promote instruction, attendance and progress of

the Roma and Egyptian pupils, of the "Naim Frasheri" 9-grade school, supported by scholarships/food quotas. Pursuant to the instruction of the Ministry of Education and Science, (no. 4295, dated 24.07.2012), during the 2012-2013 school year activities for the university system were envisioned in the National Action Plan at the "Decade of Roma Inclusion " 2009-2015. The main results were: 1) increased number of children in preschool and compulsory education; 2) increased number of pupils in "Second Chance"; 3) increased number of children in preparatory classes; 4) establishment and operation of literacy in schools; 5) attendance of general and professional secondary education part-time, support of teaching staff and availability of school premises. In the school year 2012-2013, and 2013-2014 an integrated approach has also been the inter-institutional cooperation in piloting with "food at school" in the "Naim Frashëri" School in Korça. With regard to attendance and progress of students in the learning process, were established the board of the schools with the participation of teachers, psychologists, the students' government and members of the Roma community. During this periode were adopted several bylaws (secondary legislation), as: Decision of the Council of Ministers (DCM no. 29, dated 08.02.2013), "On the procedures of attending the basic education, part-time; DCM no. 31, dated 08.02.2013 "On enrolment procedures of the basic education for students who have not attended at least two classes of the basic education"; Order No. 344, dated 19.08.2013 "On establishment of the psycho-social service unit". The participation and inclusion of the Roma children in the basic educational system has reached 87%.

91. The primary level healthcare institutions (Health Centres) and the secondary level (the specialized outpatient services and the hospital one), operate under their contracting with the Fund of Compulsory Healthcare Insurance. Health centres provide services under the Basic Package of Services at Primary Health Care<sup>43</sup>. Ministry of Health, through the Institute of Public Health, in the regions of Kukes, Shkodra, and Durres has conducted promotional activities with the Roma population related to child care, nutrition, immunization and family planning. Initially, the identification and coverage of immunization services has taken place in favour of the disadvantaged/at risk groups in the each district (especially the Roma population in the rural areas). Also, the Ministry of Health, in the collaboration with UNDP and local Roma organizations as Amaro Drom and the Romani Baxt Association, have created a database in the areas inhabited by the Roma community by creating a map of the areas inhabited by them across the country. Departments of Public Health and the Regional Health in Tirana, Berat and Kucova, Pogradec, Lezha, Shkodra, Fier, Elbasan, Korca, Gjirokastra, in the cooperation with several NGOs and associations of the Roma community, offer a range of services, healthcare included. The services provided by the staff of primary health care consist of training in the HIV prevention through the educators in the community, promotion of voluntary counseling and testing for this disease, distributing condoms and training of the health personnel itself working in the neighbourhoods where the Roma community resides. 120 employees of the health centres were trained during the year 2013.

92. Vaccination is a service provided free of charge to the entire population, including Roma and Egyptians children. The nurses who perform vaccinations go door to door to identify the children.

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<sup>43</sup> Approved by order of the Minister of Health No. 95, dated 16.02.2009 and integrated with other levels of specialized services under the Referral System approved by order of the Minister of Health No.526, dated 12.10.2009.



Migration of the Roma and Egyptian families and lack of education makes them vulnerable, therefore every year, the Institute of Public Health Institute (IPH) makes the screening of the areas inhabited by the Roma and Egyptian families to identify the unvaccinated children. In 2014, IPH undertook the initiative to cover more than 95% of every community and is working to adapt the documentation related to them, including in this way both the Roma and Egyptian communities. Often, nurses make vaccines, cooperate with social workers or mediators to improve communication with the community and to vaccinate more Roma and Egyptian children simultaneously. Also, PHI has piloted the immunization information system in Shkodra and now is it is working in Lezha and Malesia e Madhe, including unvaccinated children. All Roma and Egyptian children are vaccinated free of charge even when they do not have documents, but the PHI identifies them.

93. Educational and promotional activities targeting Roma and Egyptian community have been conducted in health centres in several districts of the country. The programs mainly address the most important issues such as reproductive health, maternal and child health, adequate measures for protection against HIV/AIDS in these communities, awareness raising programs for personal hygiene and of the residential areas. With the support of UNICEF, the Ministry of Health made possible the implementation of the project "Home visits to promote the development and health of the Roma children in Tirana and Durres". During the year 2013, there were carried out 94 home visits in Durres and 24 in Tirana, where 120 children aged 0-6 years were assessed and 72 mothers were contacted. Ministry of Health and the Health Centre and Community Welfare organization (HCCW), with the support of UNICEF, prepared the manual that was used during the home visits and checklists filled in for every visited Roma child.

94. In the framework of this project, during 2013, there were carried out 94 home visits in Durres and 24 in Tirana, where 120 children aged 0-6 years were assessed and 72 mothers were contacted. The Ministry of Health and the Health Centre and Community Welfare organization (HCCW), with the support of UNICEF, prepared the manual that was used during the home visits and checklists filled in for every visited Roma child. In 2014, the Ministry of Health has supported the proposal of Vodafone Albania Foundation, to include the Roma community in the project of this association for the early or basic medical check up through the use of medical telemedicine techniques. For this reason the national map showing the location of the Roma community and health centres located closer to them has been made available to this initiative. Vodafone Albania Foundation Reporting takes place once a year, and the monitoring is carried jointly with the Ministry of Social Welfare and Youth and the Public Health Institute.

95. Ministry of Health has supported the project "9 + 3 Healthy Maternity" developed by Save the Children in the period August 2013 - July 2014. This project involved the Roma women in the area of Kinostudio and Shkoza. From this project, 86 women benefited from the weekly information sessions regarding access to health services, and 61 pregnant women were identified. They received pregnancy care (4 regular check ups, support with medications, supplements, 25 future mother, and 12 women were supported for being equipped with health booklets).

### **Measures taken in the field of housing**

96. Amendments to the Law "On social housing programs of the inhabitants of the urban areas" have aimed among other things, to extend the activity not only in the urban areas but also in the rural ones, helping the families of the Roma community located in different municipalities of the

country, who previously could not be treated by the law. The criteria for the selection of beneficiaries have changed and they are chosen based on: the housing conditions; family conditions; social conditions; economic situation. The law stipulates that, based on these criteria, the Municipal Councils adopt the scoring system for beneficiaries. The Roma community is a beneficiary of all the social housing programs, such as:

- program of social rental housing which is implemented in 8 municipalities;
- program of low-cost housing including: a. facilitated lending; b. apartments purchased in the free market in the cities where the cost of housing is lower.
- The law also creates opportunities for Roma families to benefit from more specific programs helping the families based on their income. The assistance programs from which the Roma families are eligible are:
- the housing bonus, approved by the Municipal Council and which covers no more than 50% of the minimum lease dwelling in the free market;
- Rent subsidies for social rental housing owned by the municipalities, which is provided in those cases when the rent of the apartment accounts for more than 25% of net family income (the amount of subsidy is adopted by the Municipal Councils and if the family has income only from social assistance, the rent will be subsidized 100%);
- subsidizing the interest on loans for families who with their income afford the requirements for facilitated lending (pay 0% interest the tenant families in the former properties of expropriated entities and 3% interest in families that benefit through applications to the municipalities;
- "Small grants" are programs that address the problem of improving the housing conditions for this community (improvement of housing, sanitation equipment, improvement of infrastructure).

97. As evidenced above, from the year 2014 were allocated funds for housing and improvement of living conditions of Roma<sup>44</sup>. During 2015, for the implementation of 9 projects in the Local Government Unit were allocated 90,000,000.00 ALL, as follows:

- ❖ Rrogozhina Municipality drafted the project "Complete reconstruction of the dwelling No. 364, state property, in the town of Rrogozhinë ", with a value of 1,884,456 ALL for the reconstruction of 4 households. The project was completed in October 2015.
- ❖ Elbasan Municipality drafted the project entitled "Improving housing conditions for the Roma and Egyptian communities", with a value 24,643,409 ALL for the reconstruction of 35 households. The project ended in September 2015.
- ❖ Përmet municipality drafted the project entitled "Rehabilitation of the housing of the Egyptian community", with a value 7,041,145 ALL for the reconstruction of 14 households. The project ended in July 2015.
- ❖ Vlora county drafted the project entitled "Improving housing conditions for the Roma community in the communes of Novosel and Shushicë", with a value of 5,919,680 ALL for the reconstruction of 18 households. The project ended in September 2015.
- ❖ Lumas commune drafted the project entitled "Reconstruction of the Roma community dwellings in Vodez village, Lumas commune", with a value of 11,561,225 ALL for the reconstruction of 22 households. The project ended in September 2015.
- ❖ Otlak commune drafted the project "Reconstruction of housing and wastewater sewers of the Roma and Egyptian community in the villages of Morava, Orizel, Lapardha of Otlak

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<sup>44</sup> Reference to paragraphs 79-81 above.

commune", with a value of 16,869,485 ALL for the reconstruction of 60 households. Likewise, about 8 families have benefited from the wastewater sewer. The project ended in September 2015.

- ❖ Lushnje Municipality drafted the project entitled "Improving the living conditions of the Egyptian community , of Lushnja town", with a value of 9,856,986 ALL for the reconstruction of 18 households. Likewise, benefiting are also 30 families from the wastewater sewer. The project ended in September 20.
- ❖ Saranda Municipality drafted the project "Reconstruction of 6 dwellings of Roma and Egyptian communities", with a value of 2,527,498 ALL for reconstruction of 6 houses. The project ended in December 2015.
- ❖ Rrëshen Municipality drafted the project entitled "Reconstruction of 15 houses of the Roma and Egyptian community, Rreshen Municipality, in funding value terms of 5,300,000 ALL for the reconstruction of 15 houses. The project ended in December 2015.

During 2015, about 290 families of the Roma and Egyptian communities benefited directly and indirectly from the implementation of this program in the projects implemented in the Local Government Units.

98. For 2016, the Ministry of Urban Development (MUD) has allocated the fund with a value of 107,034,000 ALL for the implementation of 9 projects of the Local Government Units as following: Kruja, Lushnja, Vlora, Roskovec, Elbasan, Shkodra, Belsh, Rrogozhina and Divjaka. From the implementation of these projects are expected to benefit about 175 families of Roma and Egyptian communities. In the framework and implementation of the project "Construction of social housing for rent, through the European Bank for Development, the beneficiary municipalities were respectively: 1) Berat municipality that has sheltered in these houses around 10% of the Roma/Egyptian communities, or 21 Roma families; 2) Elbasan Municipality -10 families; 3) Municipality of Fier- 3 families; 4) Municipality of Korca and Peshkopi - 5% of Roma and Egyptian communities. 5)Municipalities of Durrës, Tirana and Kavaja, have sheltered in these dwellings about 10% of Roma/Egyptian communities. There are no data from the municipalities on the number of Roma families that have benefited housing through "ease lending", as the documentation for applications does not provide identification as Roma and Egyptian minorities. In the 2016-2018 draft budget of the Ministry of Urban Development, funds have been planned for housing. Specifically, for 2016 it is foreseen, *inter alia*, the improvement of the housing conditions for 165 families of the Roma and Egyptian communities. For 2017 it is projected the improvement of the living conditions for 210 Roma and Egyptian families. While for 2018, in the long-term draft budget of the MUD it is projected the improvement of the housing conditions for 420 Roma and Egyptian families.

99. Albanian Government and the Ministry of Urban Development (MUD) as well as other institutions, have continuously treated with special care all issues related to the forced eviction of the Albanian citizens, in particular members of the Roma and Egyptian communities. In the cases of evictions of some persons belonging to Roma and Egyptian communities in 2011 and 2012, , have been taken measures to accommodate them temporarily in the premises of Military Barracks Sharra, Kombinat Tirana in 2012. With the situation occurred in 2013, the Ministry of Social Wealthfare provide accommodation 52 Roma families evicted from their informal dwellings. In the context of protection, promotion and integration of the Roma, the Ministry of Social Welfare and Youth, after gaining the formal management of the former military barracks in Shish-Tufinë by the Ministry of Defence decided and settled the Roma families evicted from the former artistic

enterprise in Tirana. This Ministry was committed to the establishment and functioning of the transitional Emergency Centre to transform it into a social center in order to provide a temporary accommodation for the homeless families with difficulty to ensure the basic living conditions. The Commissioner for Protection from Discrimination and the Ombudsman have followed up with priority the eviction cases of the Roma families from their shelters, also recommending the finding of a final solution.

100. In relation with the case of citizens of the Roma and Egyptian communities near the Artificial Lake of Tirana, whose dwellings have been subject to demolition for public construction works "The Construction of the Great Ring Road of Tirana", in 2013, the finding of an appropriate accommodation for these citizens has been handled with priority<sup>45</sup>. Representatives from the Department of Urban Services and Housing at the Ministry of Urban Development (MUD), held meetings with representatives of the General Directorate of Housing at the Tirana Municipality and representatives of the National Housing Agency, an institution under the dependency of MUD, discussing the problems of this community and the way of their settlement. In connection with the identification and verification of families which will leave their settlements because of the building of the Great Rig Road in Tirana, the MUD set up a Working Group<sup>46</sup>, in order to: accelerate the legalization procedures for those Roma families who have applied for legalization; to cooperate with the Ministry of Transport to expedite the expropriation proceedings for those Roma families who have a dwelling equipped with construction permits; to find opportunities in cooperation with the Ministry of Social Welfare and Youth (MSWY) and local governments units, for sheltering the Roma families living in buildings that do not benefit from the expropriation or legalization of their informal dwelling.

101. According to Law, "On social programs for the housing of inhabitants of urban zones" (no. 9232, dated 13.05.2004, as amended), the municipalities shall have full power to administer the claims and find alternatives for accommodation. Ministry of Urban Development (MUD) has closely followed this issues, and in cooperation with Tirana Municipality, raising the respective working groups, to find housing opportunities. From the identification and assessment of the current situation conducted by the working groups, were identified 50 Roma families in need, treatment (where the majority were coming from different districts of Albania, such as Elbasan, Berat, Pogradec and Bilisht). The identified families were eventually settled in the respective municipalities where they resulted registered. The families of this community registered in Tirana, were eventually settled in the rehabilitation centres of this municipality. Meanwhile, referring to Law on Social Housing, these families must apply for accommodation in the local government units where they are registered. Ministry of Urban Development is cooperating with all local government units that are involved in this process. Tirana Municipality has ensured that this housing solution of these families will be temporary, until finding an adequate shelter.

102. The problems encountered in cases of the eviction of the Roma and Egyptians are very complex as they include many actors and policy-making institutions. These problems first begin by identifying the processes of expropriation. Local government unit or line ministries are competent authorities for implementing these projects. The next stage is the identification of the relevant

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<sup>45</sup> On this case, expressed concern the Commissioner of the CoE for Human Rights, Mr. Nils Muižnieks, in his letter to the Minister of Urban Development. The letter of Commissioner Muižnieks and the answer of the Minister of Urban Development are found at: <https://www.coe.int/et/web/commissioner/-/european-countries-must-stop-forced-evictions-of-roma>.

<sup>46</sup> By Order of Minister of MUD, No.115, dated 03.06.2014

documentation on the right of ownership,. Further, it follows with the legalization of informal buildings, if necessary. Housing is the finalization of the above measures. Ministry of Urban Development has taken some concrete measures on the treatment with lease payment for some families affected by the implementation of the project " The Great Ring Road of Tirana, the segment "Komuna e Parisit-Rruga e Kavajës (according to the Decision of Council of Ministers no. 230, dated 13.03.2015). It was determined the form of treatment of the family whose facilities, built illegally within the boundaries of the road project, are affected by the public investment. According to this Decision their treatment is done through the coverage of the full lease rate of dwellings in the market. By Order no. 57, dated 27.03.2015, the Minister of Urban Development has approved the lease rate expressed in ALL/m<sup>2</sup>, which will be used for the calculation of the amounts allocated to each family. This rate is implemented 100% by the MUD.

103. In order to benefit social housing, the law provides a number of categories defined as: Roma, persons with disabilities. In order to benefit from social housing programs, every citizen files application with the local government and it is approved by the Municipal Council based on the scoring system (the latter adopted by decision of the Municipal Council), housing subsidies, low rate loans. Furthermore a condition for obtaining the loan are the proceeds. If the citizen has no income, then he can not obtain loans, so the criteria are exclusionary. In order to benefit rental social housing the family should have income defined within the limits of max and minimum income, but the law no. 9232, dated 13.05.2004 "On social housing programs", for specific categories also provides aid for lease subsidizing, when the latter is higher than 25% of family's income (for several categories of beneficiaries among them the Roma and Egyptian community).

104. Ministry of Urban Development has prepared the Social Housing Strategy 2016-2025 and the Action Plan, (approved by DCM. 405, dated 01.06.2016) focusing on the housing of persons belonging to minorities. This is a political document, and its vision is to improve the living conditions of this part of population that can not afford a housing alternative in the market and in particular for the vulnerable groups. The Action Plan that will accompany the strategy, provides also the measures for alternative solutions to the housing of the Roma and Egyptian minorities. This Strategy identifies all the housing problems. The new draft law "On Housing", will address these problems identifies so far, as well will address the recommendations of the Ombudsman, the civil society and all interest groups. The Social Housing Strategy 2016-2025, (adopted by DCM No. 405, dated 01.06.2016), has identified the ethnic minorities and precisely the Roma and Egyptian community, as one of the marginalized and excluded categories from the house benefiting opportunities. One of the challenges of the strategy is the reorientation of social programs towards the marginalized groups such as the Roma and Egyptian communities. As such, the strategy aims at the orientation towards the rental subsidy or housing bonus programs for these categories. Furthermore this strategy has identified as important the development of the project to improve housing conditions for this community by defining the benefit of about 550 families for all the 10-year period of the strategy.

105. This Strategy envisages concrete objectives on: 1) "Capacity building of the 61 local government units for periodically acquiring knowledge on the supply and demand for social housing". 2) "Creating a map that aims to prioritize investments for the Roma community and to provide assistance for facilitation in housing". The aim is: identification of persons belonging to Roma and Egyptian communities who need housing; assessment of the situation of their

settlements and improvement of the infrastructure such as water supply and sewerage; preparation of action plans from the local authorities to improve the quality of life of this community;; providing assistance for legalization of informal dwellings for these communities.

106. In relation with the objective on improvement of the legal and institutional framework to increase access to housing of 50% of families in marginalized positions, it is foreseen the activity "Compilation of a report with concrete suggestions on the ammendments on the law on housing. This objective incudes the recommendations of the Ombudsman for the Roma community, by including this community by 5% in each housing program. These communities will be included in the priority groups for obtaining housing, as well as benefiting to the extent of 5% of each housing program. Draft law "on Social housing"<sup>47</sup>. Draft law "On social housing" provides rules and administrative procedures on distribution, management and planning of social housing programs. This law will provide opportunities for adequate housing and affordable of individuals and families who need housing and need help from the state. The draft law on social housing is intended to enable an approach to fulfill the special needs of specific groups, in order to benefit from housing programs. The draft will provide the possibility for the participation of stakeholders in decision making, in relation with implementation of social housing program, including the consultation of community that is affected by and benefiting from the program. It will provide a variety of financial instruments and programs to support access to housing of vulnerable groups. The main objective of the law is the definition of rules, procedures and administrative modalities for planning, supply, distribution and management of housing for social groups. It will provide the basis for the development of programs with affordable housing for vulnerable groups, including Roma.

107. In relation with the objective "Expansion of housing options through programs oriented towards families with low and medium income and especially the marginalized ones by 30%", one of the issues addressed is that of the poor housing conditions for the Roma and Egyptian community. These will be realized through small grants for the Roma and Egyptian communities in order to improve the housing conditions, which for the entire period of the strategy will be financed in value terms with 1,381,334,000 ALL. Another no less important target that the strategy has provided for the most disadvantaged groups is the application of subsidies and instant grants. To this end, the strategy action plan foresees funds in the amount of about 5,660,751,624 ALL.

108. A good job has been done by the UNDP project "Empowering communities in need", which supported the Roma in Tirana, Elbasan and Fier, through the implementation of small projects on: infrastructure; civil registration; training courses; training of mediators to the community; preparation of the National Decade of Roma inclusion; promotion of social inclusion. The project has supported 85 Roma individuals (24 of them from Elbasan Municipality) to attend vocational courses in tailoring, hairdressing, plumbing and is equipped with the necessary means to practice the skills gained by increasing their opportunities for employment and assisted to improve their services to communities in need. The Swiss Cooperation Office in Albania, has been active in the inclusion of the Roma during the last three years with the project "Alternative Education and Vocational Training (CEFA)" which has contributed to increasing social inclusion of Roma through education, community empowerment and promoting the rights of the Roma minority.

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<sup>47</sup> Ministry of Urban Devepment in cooperation with other institutions has prepared this draft law. The inter-institutional Working Group is supported by experts of UNDP and Council of Europe.

Furthermore, "Save the Children" by working in Albania since 2008 with the "inclusive education, is focused on the Roma children, in order to provide children from different ethnic groups the opportunity to interact and talk, to learn from one - another, to improve inter-ethnic relations among children in the public education and beyond. In this regard in October 2011 a Memorandum of Understanding was signed between the former Ministry of Labor, Social Affairs and Equal Opportunities<sup>48</sup> and "Save the Children", aiming at implementation of the component of vocational training of the above project.

109. In 2012, the OSCE/ODIHR has implemented the project "Best Practices for Roma Integration" for the Development of Local Action Plans for Roma in 6 local authorities in Albania, (municipalities of Lushnja, Lezha, Pogradec, Gjirokastra and communes of Shushicë and Grabian). This initiative led to the strengthening and implementation of the best regional practice supporting local governments to prepare the Local Action Plans for the Roma and facilitating their implementation, under the guidance of local Roma coaches, experts who identified the community priorities, the relevant methodology used and approval from the local authorities. This initiative aimed in promoting cooperation between all stakeholders involved in the implementation and monitoring of Roma integration measures in Albania, as well promoting the principles of good local governance.

#### **The National Action Plan for the Integration of Roma and Egyptians (2016-2020)**

110. The National Action Plan for the Integration of Roma and Egyptians (2016-2020) is a document prepared by the Government and under the coordination of Ministry of Social Welfare and Youth. This Plan is a new commitment with timeline 2016-2020, which targets two relevant communities; represents an escalation of the measures implemented and under implementation and foresees also the launch of new activities to promote the integration of Roma and Egyptians; the funds provided by the state budget; as well identifying the financial gap for the period 2016-2020 and the possibility of funding through foreign aid coordination. The Action Plan was drafted in close consultation with the line ministries, representatives of the Roma and Egyptian communities and other stakeholders.

111. This National Action Plan for the Integration of the Roma and Egyptians presents an assessment of the current conditions, the vision and goals, targets, monitoring and evaluation framework, the matrix of measures and financial resources. The main principles are:

1. Fostering social inclusion - The activities of the Action Plan aim to foster the inclusion of Roma and Egyptians in society rather than create parallel systems to be used by these communities.
2. Using a targeted approach for the treatment of specific cases of exclusion. This Action Plan also proposes measures targeted at responding to emergency situations that can not be handled through general sources. The targeted interventions will not constitute discrimination (eg, through housing or separate classes for the Roma and Egyptians), but aim to improve their access to the existing public services.
3. Respecting the differences - the Action Plan respects the differences between the Roma and Egyptian communities, as specific communities. The Action Plan addresses the vulnerable members of these communities, recognizing as well that persons belonging to Roma and Egyptians are already integrated into the society.

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<sup>40</sup> Currenty Ministry of Social Welfare and Youth

4. Focusing on the engagement of Roma and Egyptians - the Action Plan includes mechanisms to involve Roma and Egyptians in designing, implementing and monitoring public policies.
5. Promoting cooperation among different stakeholders - The creation and implementation of the Action Plan is based on the cooperation between central, regional and local civil society, international community, and especially its communities.
6. Promoting intersectoral connections - the Action Plan addresses the needs in a number of key areas including: education and promoting intercultural dialogue, health, housing and urban integration, employment and education and vocational training, social protection, civil registration and access to the justice system, with the aim of promoting integration in a comprehensive and durable way.
7. Measuring progress - the Action Plan is equipped with indicators to measure the implementation progress and initial indicators (from where the job will start) whenever possible.
8. Awareness of gender dimension - the Action Plan acknowledges the fact that the Roma and Egyptian women are more likely to suffer exclusion and gender discrimination. The document also calls for the collection of disaggregated data according to gender for each respective indicator.
9. Budgeting for implementation - the line ministries have identified a budget for the implementation of each activity. In cases where public funding is insufficient, the line ministries have identified funding gaps where assistance may be required from donors.

112. The Action Plan was drafted through a process of consultation with representatives of central and local authorities, independent institutions, civil society organizations, mainly the Roma and Egyptian ones and the international organisations. The methodology for drafting the Action Plan consisted in:

- Preparatory phase in order to introduce the process of drafting the Action Plan to the key stakeholders and to obtain their opinions. At the same time, an analysis of existing strategies, official documents and reports was undertaken in order to gather information about the results of the past activities, the examples of good practices and lessons learned, and to ensure that the Action Plan was well-established with overall agenda of the Government.
- Sectoral workshops with the line ministries and representatives of the civil society, including members of the Roma and Egyptian associations, and international organizations.
- Focused groups with representatives of the Roma and Egyptians, local authorities, international organizations and specialists in gender equality.
- Individual meetings with line ministries (focusing particularly on gathering baseline data of this plan and the drafting of its budget).
- Field visits to the municipality of Berat and Transitional Centre in Tirana.
- Public presentation of the draft Action Plan document, discussions and conclusions.

113. The matrix of the Action Plan outlines the goals, objectives and activities, the implementation deadlines, the authorities responsible for the implementation and control, the indicator values and point of departure, sources of information, strategic documents relevant and necessary funds for implementation of the Action Plan. The matrix includes six priority sectors, specifically:

- Civil registration and access to justice.
- Education and the promotion of intercultural dialogue.



- Employment and education and vocational training.
- Health care
- Housing and urban integration
- Social protection

114. The measures foreseen by this Action Plan are based on the needs of the Roma and Egyptians identified through the data base and surveys, as well are based on the access to the resources and capacities of the Government to respond to these measures. During the drafting process, a series of consultative meetings were organized, in coordination with the Ministry of Social Welfare and Youth, followed by sectoral seminars in collaboration with line ministries (Ministry of Internal Affairs, Ministry of Justice, Ministry of Finance, Ministry of Culture, Ministry of Education and Sports, Ministry of Health, Ministry of Urban Development, Ministry for Local Government, Ministry of Innovation and Public Administration, representatives of the local authorities, as well with civil society.

115. The stakeholders' participation: The Action Plan for the Integration of the Roma and Egyptians 2016-2020 was drafted with the contribution of the technical working group coordinated by the Ministry of Social Welfare and Youth, with members and experts of relevant line ministries and civil society. During the drafting of the Action Plan, a total of more than 200 individuals were consulted by the stakeholders. After the introductory meetings with relevant line ministries, a special sectoral seminar was organized by the Ministry of Social Welfare and Youth in cooperation with other line ministries and in cooperation with civil society representatives from the Roma and Egyptian communities. The working groups identified the needs and developed goals, objectives and activities in each sector. Periodic consultations were held with the line ministries for the collection of baseline data and determining the budget. Representatives from regional councils and major municipalities participated in two meetings organized by the Ministry of Social Welfare and Youth in the cooperation of the Minister of State for Local Government. The consultations with the local authorities included also a site visit to the municipality of Berat and meetings with the Roma and Egyptians coordinators in the municipality of Tirana.

116. During the process of preparation of this Action Plan civil society including the Roma and Egyptian organizations, have provided useful contributions and inputs. In this framework are organized 5 seminars together with line ministries the Roma representative of the State Committee on Minorities, Roma and Egyptian experts working in independent institutions, who also expressed their views in discussions with focused groups. Four persons from Roma and Egyptian communities newly graduates were involved as an active part of the team of consultants, who facilitated consultations and supported the drafting of the Action Plan.

117. In the meeting that the Ministry of Social Welfare and Youth held with representatives of international organizations, they informed on the activities they plan to carry out during the 2016-2020 period. Surveys and other studies published by international organizations in Albania have been valuable for drafting the Action Plan, for arguing and determining the priority of various measures.

**Conclusions of the third Seminar "Political Dialogue for Inclusion of Roma and Egyptians in Albania, organized on April 20, 2016**

118. In the framework of the seminar "Dialogue for the inclusion of Roma and Egyptians in Albania organized on April 20, 2016, five thematic groups with the participation of representatives of line institutions, the Roma and Egyptian communities and foreign representatives and the civil society discussed on: identification of the problems encountered by these communities in certain areas; proposal of recommendations to effectively address these problems. These recommendations were supported by the line institutions and the European Union Commission. This seminar was organized with their help. The key recommendations according to the fields are as follows:

- **Combating discrimination in the field of education.** - In order to achieve this objective it is aimed to end segregation of students from these communities from other students in special classes or schools, increasing the number of teachers from these communities as well as annual monitoring of schools. Furthermore, a target remains the increase of the number of Roma and Egyptian pupils in preschool education and the fight against the phenomenon of dropping out of school. To achieve this objective it is aimed: 1) to initially increase by 10% the children's enrolment in cooperation between the Ministry of Education and Sports (MoES) and other institutions as well as the civil society; 2) the abolition by the local government units of kindergarten tariffs for children from Roma and Egyptian families with low monthly income; 3) implementation of sectoral preventive strategies; addressing the issue of the school dropouts with relevant services, by local education authorities and schools. Further, it is aimed to increase the number of students' enrolment from these communities by exemption of the registration fee from the university tariffs and the increase of cooperation between MoES with the universities and colleges to increase the number of opportunities of choosing courses/subjects for the Roma and Egyptian pupils. The Decision of the Council of Ministers no. 638 dated 23.07.2015 "On admission quotas at public institutions of higher education in study programs in the first cycle, in professional non-university study programs and in the integrated study programs of the second cycle, full time as well as the tuition fees for the academic year 2015 - 2016 " foresaw special quota for the Roma and Egyptian students. These students were exempted from the tuition fees if they attended the first cycle of *Bachelor* studies and benefited 50% reduction in tuition fees if they attended the second cycle of studies Master of Science/Professional Master.
- **In the field of employment:** The integration of the Roma and Egyptians in the labor market through the Vocational Education and Training and the Employment Promotion Programs is an important objective. Initially the Ministry of Social Welfare and Youth (MSWY) intends to conduct a national study by the end of 2016 identifying the needs for employment and increase by 5% the Roma and Egyptians' participation in the Promotion of Employment Programs. Further, it is aimed at the formalization of quotas to enable the employment of Roma and Egyptians in the public administration. Furthermore, it is aimed at the introduction of the initiatives (tax regimes) for private companies to employ people from these communities, whilst it is also aimed at increasing the orienting information of these communities from the Special Offices. The reorientation of Vocational Education and Training (VET) to the needs of the market and the specifics of these communities constitutes a goal as well.
- **Social and health care:** The first objective in this area remains equal and full access to the relative services. The aim is related with the employment of 10 persons belonging to Roma and Egyptian, and their involvement at the national and local level of mobile groups, the provision of health services and the provision of monthly free visits near Roma and

Egyptian neighbourhoods. The second objective remains the inclusion of the Roma and Egyptians communities in social protection programs. To achieve this, it is intended to provide economic aid payment in cash for the Roma and Egyptian families and the adoption and publication by the Ministry of Health of an annual report on the implementation of the above commitments.

- **Housing and civil registration:** Drafting a comprehensive law on the field of evictions is the first objective in this area. More specifically, it is aimed to draft a law on cooperation with stakeholders on evictions and the training of institutions on the provisions of the law. The second objective is the temporary/transitional lodging offered to the Roma/Egyptians by drafting a new internal regulation for the centres that will facilitate some of the limiting conditions applicable to the residents. Another objective is the information and budgetary enrichment of the institutions on the action plans for the housing of Roma and Egyptians. To achieve this it is intended the drafting of social housing programs alongside with those of the social and economic development by competent line ministries/specialized agencies. Another objective is the evaluation of the legal framework in the field of housing, related the non-discrimination of these communities. This can be achieved by the introduction and the simplification of the selection criteria for housing, and the adoption of a quota system, providing social aid, education and employment. The final objective remains the simplification of procedures for registration of children or transfer of residence via activation of a system of "initial registration" where births are recorded automatically and freely by the hospital authorities and enabling by the Ministry of Interior of simplified procedures for the transfer of official residence.
- **Instruments for coordination, monitoring and budgetary resources:** The primary objective in this area is to coordinate public policies between different sectors for promoting the integration of Roma and Egyptians by means of: a) drafting clear guidelines by the MSWY in support of municipalities for the formulation and monitoring of policies to improve the living conditions, b) developing policies for Roma/Egyptians in each municipality, c) reactivation of the Romalb online system for electronic data collection, the strengthening, institutionalization and guaranteeing its use in all municipalities and other local institutions, d) regular holding (every 6 months) of an inter-sectoral meeting for monitoring and coordinating policies between state institutions, e) preparation of annual progress reports, f) allocation of the annual budget provided for the implementation of the Action Plan for the Integration of the Roma and Egyptians in Albania for the period 2016-2020, g) preparation of the clear guidelines for the line ministries within year 2016, related the dedicated positions on monitoring the implementation of this Plan.

## Article 5- Culture

119. The legislative and strategic framework of activities of the Ministry of Culture is improving in order to meet all the obligations arising from international instruments related to cultural rights and diversity of cultural habits. The new draft law on Cultural Heritage will provide specifically the promotion and protection of the culture, cultural diversity and cultural heritage of national minorities. It will provide legal obligation to preserve and protect the culture and values of national minorities and that would include provisions intended as follows:

- "The responsible ministry, in cooperation with other institutions and the civil society, adopts measures for the preservation, protection and promotion of the language and cultural heritage of minorities in the territory of Albania".
- "The responsible ministry adopts measures for the proposal of curriculae for the recognition and awareness of the cultural diversity, the respect for minority cultural values and their way of living and non-discrimination due to it".
- Creation of a special state fund to financially support the projects for the development of ethnic and cultural identity of the minorities. In this framework, the Ministry of Culture allocates an annual grant for this purpose. Representatives of minorities could apply and benefit from this grant Ministry of Culture has increased its budget allocated for cultural activities, as well its efforts to obtain funds from various donors in order to protect and preserve the cultural identity of minorities. The distributions of these funds are transparent, in such a way as to benefit all social groups concerned, including minorities.
- During 2016, in the framework of open call for projects, the project on publishing the Rromani-Albanian Vocabulary, presented by Rromani Association Baxt was selected to be financially supported.

120. Promotion and protection of culture, and cultural heritage of minorities will be addressed on the Strategy for Culture, as well by taking into consideration "White paper for Cultural Diversity" of the Council of Europe. Within the Ministry of Culture is functioning a special directorate in the Ministry of Culture, the Directorate of Intangible Heritage and Cultural Diversity (Section of Minorities and the Diaspora), in safeguarding and promoting the diversity of cultural habits and the exercise of cultural rights of minorities. Constant contacts are being maintained with representatives of the minority associations, in order to develop short and long term concrete activities to preserve and promote the culture of these minorities, with their active involvement and as per their need.

121. Multi-cultural artistic activities are organized in the framework of the International Roma Day, including: exhibitions with the activity and the integration of the Roma women, ethnographic exhibitions. On the occasion of the International Day of Cultural Diversity was specifically dedicated an event on cultural heritage of national and linguistic minorities in Albania. The event, the first of its kind, was organized through active interaction between the Ministry and the communities themselves that were the protagonists of the event. Its concept consisted in screening documentaries realized by them themselves, on oral traditions (fairy tales, legends), musical ones, and wedding rituals or exhibits of craftwork of the minorities, which are promoted continuously through the "Youtube" channel of the Ministry of Culture. Ministry of Culture has organized and supported the activities as below:

- Celebrating 8 April, the World Roma Day;
- Financial support for publication of literary works on the Roma in Albania;
- Financial support for the organization of the "Days of the Roma minority in Albania";
- Financial support for the festive concert with traditional music and dress from the Roma community;
- Celebrating 5<sup>th</sup> May, the Day of St. George - Ederlezi;
- Celebrating International Day of Vlachs;
- Organization of world meeting of Vlachs on the St. Mary's Day in Voskopoja;
- Promotions of literary and historical works on the Aromanian minority in Albania;
- Organizing meetings with the Macedonian minority in Prespa;

- Financial support for minority folk concert in Saranda.
- During 2016, the projects funded by the Ministry of Culture are:
  - o "Përmeti Multicultural, Minorities and Ethnicity";
  - o "Chronicle in Dropull" in several villages in Dropull (area where are living persons of greek minority)
  - o Multicultural Festival "People and Ideas" in Berat
  - o Activities and exhibition, with participation of Roma children;
  - o International Film Festival on Human Rights in Albania.

122. The Ministry of Culture has undertaken the initiative to promote the culture of minority communities, mainly the Roma and Vlachs, through opening a dedicated channel on Youtube <sup>49</sup>. Added in this channel are audio-video materials produced by representatives of the communities themselves and on the basis of criteria set by the Ministry of Culture. This channel in Youtube is an additional possibility for the minorities to promote their culture and also constitutes a source of information for all concerned. On the occasion of the International Day of Cultural Diversity, the Ministry of Culture has decided to dedicate it to the preservation and documentation of cultural heritage and language of national minorities in Albania. The activity will be carried out through an active interaction between the Ministry and the minorities themselves being the protagonists.

123. In the financial plan, the Ministry of Culture has increased not only its budget for the cultural activities and for the involvement of the public in them, but also the efforts to raise funds from various donors, with the aim of protecting and preserving the cultural identity and reviving cultural life in general. The fund from the state budget to support the non-profit organizations or individuals to organize cultural activities at national level for 2014 is 170.000.000 ALL. Transparent policies for the distribution of these funds have been oriented in such a way so as all groups concerned might benefit.

124. Other measures to preserve and promote minority cultures include:

- Digital inventorying of intangible heritage of minorities, with the cooperation of associations, individuals and holders, with about 30 elements per year (each year).
- The curricula for promoting intercultural dialogue and combating discrimination. Application time frame, 2016-2017.
- Organization of at least one activity per year from the National Museum (exhibition/fair, etc.) on minorities' culture (annually).
- Financial support for at least one film/documentary per year, focusing on cultural diversity and social cohesion (annually).

125. The funding for preserving and promoting the culture of national minorities. In the financial plan, the Ministry of Culture has increased not only its budget for the cultural activities and involvement of the public in them, but also the efforts to raise funds from various donors, with the aim of protecting and preserving the cultural identity and reviving cultural life in general. The fund from the state budget to support non-profit organizations or individuals to organize cultural activities at national level for 2014 is 170.000.000 ALL. Transparent policies for the distribution of these funds have been oriented in such a way so as all social groups concerned might benefit.

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<sup>49</sup> [https://www.youtube.com/playlist?list=PLwyP74ZrjaXe\\_QBVySYaM3RMLPXK2uVEe](https://www.youtube.com/playlist?list=PLwyP74ZrjaXe_QBVySYaM3RMLPXK2uVEe).

126. Promoting the culture of the Roma community: The Ministry of Culture, in cooperation with the Ministry of Social Welfare and Youth, undertook concrete measures that are dedicated to the increase of access to culture of this community, as below:

- Providing a greater access to culture and active participation by developing and implementing projects that protect and promote the cultural identity and language of the Roma. Activities in achieving this goal are proposed to be:
- Giving professional assistance and advice on the documentation standards of diversity and intangible heritage (training, workshops);
- Financial support from the Ministry of Culture and the network of activities organized by the cultural associations, especially the research work;
- Inclusion of the Roma community in the media, including subtitles in their own language;
- Publication of literature written in Romani, together with translation in Albanian;
- Creating a pavilion at the National History Museum dedicated to this community;
- Publication of an annual magazine, CD with traditional music;
- Organizing an annual handicrafts fair;
- Increased representation of Roma groups in national and international artistic festivals organized by the Ministry of Culture.
- Organization of cultural and artistic activities inspired by Roma and Egyptian folklore identities and activities promoting intercultural cooperation. Application time frame, each year, 2015-2020.
- Translation and publication of the Roma literature in Albanian and vice versa. Application time frame, 2015-2020.
- Inventorying and digital recording of spiritual heritage of the Roma and Egyptian communities in order to safeguard and transmit the features of their identity to future generations. Application time frame, each year, 2015-2020.
- Inclusion of Roma and Egyptian history, crafts and identity in the tourist guides and creation of brochures for the two communities in Albania. Application time frame, each year, from 2015 to 2020.
- Informing the Roma and Egyptians organizations of invitation for proposals of the Ministry of Culture and other relevant sources of financing (ie, sending connection via email) and ensuring that the selected projects will include those projects that are implemented by the Roma and Egyptian organizations ( annually, 2015-2020).
- Providing facilities for holding activities organized by the Roma and Egyptian organizations (annually, 2015-2020).

## **Article 6- Tolerance and intercultural dialogue**

### **Guaranteeing the minority rights by the police during the performance of its functions.**

127. The State Police structures are operating based on existing legislative framework guaranteeing the rights of minorities: the Constitution of RA, the European Convention on Human Rights; the Criminal Code; the Law "On the State Police". For the prevention and punishment of cases of discrimination and violation of the rights of persons belonging to minorities, a series of procedural and p measures have been taken. These measures are included in those of prevention and punishment of the violations of fundamental human rights during the accomplishment of the

functional tasks by the police officers. When these cases do not constitute a criminal offense, they become subject of an administrative investigation by the Directorate of Professional Standards, which initiates immediately disciplinary proceedings towards the police officer, according to the Rules of Discipline of State Police. In the case when the violation constitutes a criminal offense, the Internal Control Service or the Prosecution initiates criminal proceedings against the police officers.

128. To ensure the protection of minority rights as an integral part of human rights and fundamental freedoms, there are a number of measures and internal procedures, adopted by State Police such as:

- Manual of Standard Rules and Procedures for the Treatment and Security of the Arrested/Detained in the Police Units ", approved by Order no. 763, dated 27.09.2011 of the Director General of State Police. In order to guarantee the fundamental rights, in 2014 are provided amendments in relation with: the right to meet the family members of the persons sentenced by final judgment to imprisonment in absentia; the right to continue breastfeeding treatment of children by their mothers who are in the security rooms, as well as procedures for realizing this right.
- New registry of data documentation for the accompanied persons is formatted ( these was an recommendations of the Ombudsman). This register is approved by Order of the General Director of the State Police No. 158, dated 12.04.2012 "On the re-formatting of the Registry of Evidencing data on persons accompanied to the Police Departments and Stations". The new model of the registry is filled with data as per the requirements of the sections of this registry, especially for data relating to the notification of the family members/relatives regarding the accompaniment, and the reflection of the reason/ reasons of accompaniment;
- By Order no. 371, dated 08.08.2012 of the General Director of State Police, the putting into application of the registry has been approved in order to identify, address and resolve the complaints/requests of persons deprived of liberty in the premises of the State Police.
- By Order No. 372, dated 08.08.2012 of the General Director of State Police, the standard procedure of operation of public order and security has been adopted for the identification, treatment and resolution of complaints/requests for persons deprived of their liberty, in the premises of the State Police;
- By Order of the General Director of the Police No. 173, dated 27.04.2012 "On the approval of the standard procedures for the registration of unregistered children in the civil registry", these procedures have been adopted and sent for implementation to all Police Directorates in the Counties;
- Guidelines of the General Director of the State Police, on the measures and tasks to be carried out for observing the rights of the persons accompanied, detained/arrested in the police premises, in connection with the reflection in the minutes of the exact hour in the first moments, getting acquainted with the rights, provision of legal, psychological aid and notification of family members, in the case of the accompanied persons.
- Attention Drawing Letter No. 972, dated 05.02.2014 "On implementing rigorously the laws/bylaws and standard operating procedures regarding the arrest/detention, physical control and treatment of the arrested/detained".
- Attention Drawing Letter No. 1947 dated 12.03.2014 "For the fulfillment of duties and responsibilities in accordance with the laws / regulations and standard operating procedures, while respecting and guaranteeing the rights of persons deprived of liberty".

- Attention Drawing Letter of the SPGD with No. 4577/1, dated 10.09.2014 "On the accompaniment and respect for the rights of persons accompanied in the premises of the State Police”.
- Circular sent to P.D. of the Counties associated with the entry into force of the new law of the State Police, implementing the requirements of Articles 109, 112 of the Law "On the the accompaniment and tratment of the accompanied persons, the evidencing of data in the respective registers, etc.”.
- Attention Drawing Letter No. 4963, dated 08.05.2015 "On the performance of police duties and responsibilities under the law only by respecting human rights," by the Director of the State Police.
- Standard procedure of the Police State "Technical Rules police accompaniment" approved by Order no. 308, dated 03.31.2016 of the State Police Director compiled.
- Attention Drawing Letter No. 1423 dated 29.02.2016 "On the elimination of deficiencies in the data entry ADAM system and treatment of the persons accompanied and arrested / detained", by the Director of the State Police.
- Letter Rogatory No. 3199/1, dated 05.25.2016 of the Director of State Police: "On eliminating behaviors/attitudes of discrimination affecting the dignity of individuals of vulnerable groups (LGBTI Roma, Egyptians).
- Attention Drawing Letter No. 4678/1, dated 08.08.2016 "On a much more correct understanding and application of the rules dealing with the security measures of the arrestees/detainees to be treated in medical institutions and use of force during arrests.

129. To prevent violence and ill treatment against the individuals accompanied, detained and arrested (including the persons belonging to minority), the following measures have been taken:

- Planning, conducting controls and inspections by the central police structures (competents departments and the Directorate of Professional Standards, within State Police structure) on local Police structures for fulfilling their obligations in regard to the rights of the persons accompanied, detained and arrested.
- Putting into full efficiency the structures of the Directorate of Professional Standards in performing inspections according to an annual plan approved by the State Police Directorate and extraordinary inspections in cases of events, complaints filed against the police officers.
- Disciplinary measures for violations of human rights by the ploce officers according to Internal Regulations (the case is administrated by the State Police structures and is referred to the Service for Internal Affairs and Complaints, at the Ministry of Internal Affairs).
- Inspections and monitoring visits by independent institutions (ombudsmanh), focusing on the activities of the police structures. In fulfilling the legal obligations this institution conducts inspections/monitoring at any time, without notice and without police authorization/permit.
- The Ombudsman’s inspections have been almost annual to the local police units, by drafting and sending reports together with recommendations for improving the treatment and respecting the rights of the individuals accompanied and arrested/detained. State police has taken all measures for the dissemination, evaluation, and implementation of the Ombudsman recommendations.
- Production and display of posters with the rights of these individuals, of posters on preventing violence and maltreatments, of posters denouncing violence and abuse, lists of defense counsels and their contact numbers to assist this category of persons to choose and contact with the defense counsel, within the premises of the security rooms (for the detained/arrested), in the rooms of the persons accompanied and other facilities of the departments/stations,.



- Conditions and real opportunities for guaranteeing the right of detained/arrested persons to have an defense counsel, in accordance with the provisions of under the obligations of Criminal Procedure Code; the right to have meetings between lawyers and the detained/arrested individuals in private without the presence of other persons by protecting the privacy of their conversations, etc.
- Receiving, recording and handling of complaints / requests of persons accompanied, detained and arrested in the police premises, according to the standard operating procedure adopted for this purpose.
- Installation of camera monitoring systems in some local police units to monitor the premises where the accompanied and detained/arrested individuals are held and treated (such as police station Durres and the Police Directorate of Tirana).
- For the improvement of the conditions of the facilities for the accompanied and the detained/arrested the following measures are implemented:
  - ❖ With funding from the State Budget according to draft medium-term budgets of the government for the period 2011 - 2016, investments have been realized for the reconstruction and construction of facilities where persons accompanied and detained / arrested are kept (Police Stations Kukes, Fier, Korce, Durres and Local Police Directorate of Tirana). Their reconstruction is done according to international standarts and the recommendations of the CPT and the Ombudsman.
  - ❖ With private donations was made possible the realization of investments in the improvement of security rooms and accompaniment in the Vlora Police Commissariat, as well by improving the conditions.
- Based on financial plans, are foreseen financial funds for the development and study of the project for the reconstruction and construction of facilities for the persons accompanied, as well as facilities for detainees, arrested persons in the police units (police stations no. 1, 2, 3, 5, 6 in Police Directorate of Tirana) and the police stations of Shkodra, Kurbin, Elbasan, Dibra.

130. With regard to cooperation with the civil society and independent institutions for the protection of human rights and increasing the transparency of police work with regard the protection of the rights of persons deprived of their liberty in police facilities, are taken several measures by the State Police:

- Cooperation agreements with the Commissioner for Protection from Discrimination; General Directorate of Prisons; The Albanian Helsinki Committee; European Institute of Tirana; Albanian Rehabilitation Centre for Trauma and Torture; Human Rights Centre in Democracy. The representatives of these organizations/institutions have been issued provisional entry permits to enter and carry out monitoring visits in all units of local police, monitoring the conditions of the premises where persons accompanied, arrested and detained are kept, the level of observance and guaranteeing the rights of these people, contacting and conducting interviews with people, who are in these facilities. In relation with the findings and conclusions of the monitoring visits, the civil society organizations, have submitted to the General Directorate of State Police reports and recommendations for each local police department. They have conducted seminars/roundtables where they have examined and submitted annual reports of the monitoring conducted and later on their publication and dissemination.
- During 2015 the cooperation agreements with some NGOs has been re-signed (upon completion of the two-year period of the prior agreements) with the following organizations:

Albanian Helsinki Committee, the Albanian Rehabilitation Centre for Trauma and Torture; Human Rights Center on Democracy, "Refraction" Association, etc.

### **The representation of persons belonging to minorities in the police structures.**

131. Law no.108 / 2014 "On State Police" (Article 38) stipulates the criteria for admission to the Police Academy as follows: 1. Admission to the Police Academy is made through open competition. 2. The criteria for the admission of citizens in the police educational institution are as follows: a) to be an Albanian citizen; b) not to be excluded from the police or removed from the civil service; c) to have full capacity to act; d) be in good health and physically fit to perform his duties; dh) to have completed secondary education; dh) to have a good command of the Albanian language, both written and spoken; e) to have not been convicted by a court decision, final and binding, for committing a crime or committing a criminal contravention intentionally. The criteria set out above give the opportunity to all citizens to compete equally for admission to the State Police, regardless of gender, race, color, ethnicity, language, gender identity, political, religious or philosophical beliefs, economic, social situation, parental affiliation, marital or family status, civil status, place of residence, belonging to a particular group".

132. By Decision no. 191, dated 02.04.2014, some amendments and additions were made to the Personnel Regulation of the State Police, by determining that "a minimum 2% of candidates admitted to the police, should be from the minorities". As a result of this amendment, 6 candidates from the Egyptian ethno-cultural group began the studies at the Police Training Centre, in June 2014. At present, the individuals belonging to the national minorities constitute 0.4% of the overall total personnel of the State Police structures. According to data up to December 2015 there are:

- 9 persons belonging to the Roma minority.
- 11 persons belonging to the Greek minority.
- 14 persons belonging to Macedonian minority.
- The data are recorded after the admission of these persons on the State Police structures. The declaration of ethnicity is optional, not mandatory. Law on the State Police, stipulates that admission criteria are the same for all Albanian citizens, without discriminates the candidates from minorities. State Police does not report cases of discrimination due to ethnicity in its structures. At present, persons belonging to national minorities constitute 0.4% of the overall total personnel<sup>50</sup> of the State Police structures.

### **Awareness raising and training on tolerance and antidiscrimination**

133. A series of trainings for police officers of enforcement and managerial levels were organized for raising awareness and enhancing the technical - professional level of police personnel in regard to the recognition and implementation of human rights and fundamental freedoms, and the rights of the persons accompanied, detained and arrested in police premises, in cooperation with national and international organizations. With regard the enhancement of the technical - professional level of the personnel through trainings every year the State Police designs, approves and implements the training plan. In this plan, are provided specific trainings dealing with the recognition and enforcement of the requirements of laws/bylaws and administrative acts of the State Police for

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<sup>50</sup> These data result until the month of December 2015.

treating and respecting the persons deprived of their liberty in police facilities, the prevention of torture and ill-treatment of these persons, etc. The structures of the State Police and other stakeholders have conducted specialized trainings in the field of human rights such as:

- In May 2014, the Department of Public Security conducted training with three learning groups of 25 police officers for each group, held at the Police Training Centre on the topic of accompaniment, handling of the accompanied people as per requirements of the law "On State Police".
- In June 2014, the Albanian Helsinki Committee organized the training of 130 police officers of the structures of public order and security on the observation of the rights of the detained/arrested and prevention of torture, with duration of one day for each group and with the participation of 26 employees for each group.
- During the period 2014 - 2015, the European Institute of Tirana conducted the training of 200 police officers of the structures of public order and security of the PD of the counties of Tirana, Durres, Fier, Vlora, Lezha, Kukes, Shkodra, Elbasan, Berat and Korca with the participation of 20 employees for each trained group and with a duration of two days for each group trainees.
- The theme of the trainings was: Prevention of torture and ill-treatment, respect of human rights of the persons accompanied, detained and arrested, in the police facilities.
- In June 2014, the experts of the Council of Europe conducted training with a group of 30 police employees, lasting two days on the theme: appropriate treatment of the detained/arrested in the police premises.
- During 2015 the Department for Public Security conducted at the Academy of Security three one-day trainings with three groups with the participation of 25 police officers for every group on the topic "The technical rules of accompaniment to the police" under Law no. 108/2014 "On the State Police".

134. Commissioner for Protection from Discrimination has conducted its activity in function of raising public awareness, in connection with tolerance, non-discrimination, namely:

- Promoting the principle of equality and non-discrimination, especially by raising awareness and informing, including the provision of written information on this law in the Albanian language, in the minority languages;
- Addressing the public opinion directly about any kind of issue related to discrimination;
- Information on the right of protection from discrimination and of the legal remedies available to this protection;
- Developing a regular dialogue on discrimination issues with relevant social groups, including non-governmental organizations and the holding of awareness raising and educational activities assisting the implementation of this law.
- Compilation, publication and distribution of awareness raising materials; the distribution of CPD publications and awareness raising activities in the central and local government institutions, courts, international organizations and universities; Organization of trainings, meetings, workshops and Open Days, not only in Tirana, but throughout the country; Open lectures, training courses by different stakeholders and presentations, in national and regional conferences, as well as in academic institutions, are part of the national awareness raising process, for the full implementation of the law "On protection from discrimination". Participation in activities such as seminars, trainings, round tables, working groups, in the framework of strengthening cooperation with state institutions or national and international organizations, which protect the human rights.

- Office of the Commissioner from Discrimination has been part of the training program of the School of Magistrates. Open lectures were held with students of different universities, referring on the current situation in the country on discrimination. Awareness materials, brochures, leaflets in the field of education and the complaint form were distributed as well.
- The media is considered an important partner of the Commissioner for Protection from Discrimination in promoting the principle of non-discrimination. In this context, information meetings were held with journalists, in order to establish continuous communication with them, considering them important partners in the fight against discrimination. Likewise, the Commissioner also participated in mediatic awareness raising activities and specific televised debates on discrimination and law enforcement.

135. Special attention has been devoted to the media, with constant communication with networks of journalists to raise the level of positive reporting on vulnerable communities. Close contact with the media has often been through the UN press club composed of 12 professional journalists, who have been included in the activities of the program and invited on site visits to the community neighborhoods. The flow of information given to the journalists often encouraged them to write several articles in the newspapers, where the Roma are portrayed positively.

### **Measures to protect persons that may be subject to trafficking**

136. In the struggle against Trafficking of Human Beings, a number of laws and bylaws improving the overall legal framework for the protection of victims of trafficking and in particular of children and vulnerable groups have been adopted. In this framework a series of measures have been taken to ensure in time and with appropriate standards the process of identification, referral and protection of potential victims of trafficking. Some of the most important developments are: 1) Improving the legal framework and consolidation of law enforcement structures. 2) Protection and assistance to potential victims of trafficking. 3) Public awareness and empowerment of capacities in the framework of prevention of trafficking in humans. In July 2012, the agreement of the National Referral Mechanism (NRM) was revised with the purpose of the identification, referral, protection, improved assistance and reintegration of victim of trafficking and potential victims of trafficking (VT/PVT). At the initiative of the National Anti-Trafficking Coordinator, in November 2013, was established the Task Force. Periodic meetings were held, focusing discussed on the problems and addressing the needs to ensure appropriate and effective interventions, based on the Standard Operating Procedures. The amendments to the Criminal Code (Law no. 144/2013) include among others: 1) avoidance of legal conflict in enforcement, or competition between different articles of trafficking; 2) intended punitive measures in case of reward for personal benefit from prostitution; 3) criminalizing the use of services of persons trafficked and those who benefit from these services; 4) exemption from punishment of the persons harmed by the criminal offenses related to trafficking of persons has considerably improved the legislative framework in this regard.

137. The Law "On the State Police", which provides some additional guarantees for a better protection and more comprehensive support to victims of trafficking, especially the children. This law, foresees the identification, protection and referral for assistance to the appropriate authorities of the victims of trafficking. It provides the measures to be taken by the state police in protecting the minors, charging in this way, the employees of the state police with direct responsibility to

assist and refer when necessary, the abandoned children or those who have gone away from the family to the assistance services. Joint Guideline No. 3799, dated 08.07.2014, of the Minister of the Interior, of Education and Sports, of Health, of Foreign Affairs and the National Coalition of Anti-trafficking Shelters, adopted in July 2014, aims to ensure a proactive identification and referral of victims/potential victims of trafficking with the the Responsible Authority Pursuant to this Joint Guideline, on date June 19, 2015, the Regulation "On the organization and functioning of the Authority responsible for the identification, referral, protection and reintegration of potential victims of trafficking" was approved. The order no. 179 of the Prime Minister, dated 17.07.2014 "On the establishment of the State Committee against Trafficking in Persons", enabled the expansion of the Anti-Trafficking State Committee with four new members, responding to the new challenges against trafficking in persons through the provision of necessary capacities, commitment and the will to fight trafficking in persons.

138. Strategy for Combating Trafficking in Persons and Action Plan 2014-2017<sup>51</sup> takes into account the special obligation of the state, in relation to the protection of rights of the children and of the persons belonging to Egyptian and Roma communities. The objectives and activities of this Strategy foresee: special and not -victimizing treatment; respecting the rights and needs according to the interest of the child; the right to non-discrimination; the right to information; the right to confidentiality; respect of opinions and views of the child; the right to be protected. Action Plan 2014-2017, foresee specific objectives and numerous activities, which are being conducted in cooperation with partner organizations to ensure the fulfillment of the needs of Roma and Egyptian community.

139. Regarding the internal trafficking of children and addressing other issues that accompany the children in street situations, together with the Ministry of Social Welfare and Youth and the Ministry of Education, the National Coordinator for Combating Trafficking in Persons has drawn up an Action Plan that contains clear and concrete actions and deadlines for their implementation. This Action Plan was formalized in a memorandum of understanding between the actors involved, signed on September 17, 2014. In order to address forced labor and internal trafficking, on October 21, 2014, a Memorandum of Understanding was signed between the National Coordinator for Combating trafficking in Persons, the General Directorate of State Police and the State Inspectorate of Labour and Social Services to identify cases of forced labor and trafficking for the purpose of exploitation of the others' labor.

140. In order to strengthen the capacity of the police officers and improve the system of protection of the potential victims of trafficking in Albania, in July 2015 was signed a Cooperation Agreement between the Office of the National Anti-Trafficking Coordinator, the Albanian State Police and Caritas Albania on "Empowerment of state structures to protect victims of trafficking ". The Action Plan provided for specific objectives and activities of the Office of the Coordinator for Anti-Trafficking in cooperation with anti-trafficking partners, as: enhancing the capacity for the identification, protection and reintegration of the Roma and Egyptians at risk of trafficking, in organizing training for multidisciplinary teams based on standard operating procedures, to create a mechanism for exchange of information on anti-trafficking contact points, in order to consolidate the system.

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<sup>51</sup> Adopted by Decision of the Council of Ministers No. 814, dated 26.11.2014 "On an addition to decision 663, dated 17.07.2013, the Council of Ministers" On adoption of the 2013-2020 Crosscutting Strategy on the Fight against Organized Crime, Illicit Trafficking and Terrorism and the Action Plan for the years 2013-2016"

141. In cooperation with state structures, international organizations and civil society, a number of trainings are organized annually for all structures of the Police, Prosecution Offices and Courts, on the phenomenon of trafficking, the legal framework, the form of manifestations and consequences, and the mechanisms of action for the investigation of cases or the prevention and protection of victims of trafficking. The training sessions with prosecutors for serious crimes, judges, judicial officers, and members of the Regional Antitrafficking Committees have treated topics on: criminal and financial investigation, seizure, confiscation of criminal assets and compensation, identification of victims of trafficking and assistance to them. Likewise, measures were taken for training of diplomatic and consular representations through guidelines and informational materials for the procedures to be followed.

142. The protection and assistance to potential victims of trafficking is provided in shelters set up for victims of trafficking and in the community. The shelters provide reintegration services as psychological, health, legal assistance, vocational training, and mediation for family reunification, employment and education to potential victims and victims of trafficking, foreign or domestic, child or adult, male or female. In 2014, out of 101 potential victims who were accommodated in 4 shelters, 11 were from the Roma and Egyptian communities that benefit from the above mentioned services. In 2014, the Ministry of Internal Affairs allocated a special budget for the Anti-Trafficking Unit and awareness raising activities on trafficking in persons. Even for 2015 a special fund has been allocated for awareness raising activities to the extent of 20% more than the last year. Since June 2014, in addition to financial assistance, the victims of trafficking also receive free health care from the state budget funds. The Health Insurance Fund covers the costs for medications, visits, examinations and medical treatment in public and private hospitals contracted by the fund for all victims of trafficking.

143. Following the intensification of efforts and institutional cooperation as regards human rights and protection of children, mainly Roma and Egyptian, on date April 2, 2015, the National Coordinator for Anti-Trafficking, USAID and the Terre des Hommes organization signed 10 agreements for grants with Albanian NGOs to finance small projects within Roma and Egyptian communities on the protection and prevention of child trafficking in Albania. Through these projects it is aimed to consolidate these structures and ensure more coordinated response to the educational system, health institutions and civil society organizations, and the creation of bridges between these institutions and the vulnerable children and families of the Roma and Egyptian communities.

144. The Anti-Trafficking Directorate has undertaken and coordinated a series of activities to raise the awareness and sensitize the public, focusing on awareness, particularly of women, children and vulnerable or endangered groups. Raising public awareness and strengthening the capacity is carried out in close cooperation with the Regional Anti-trafficking Committees and national and international organizations, such as ARSIS, Terre des Hommes, IOM, ICMPD, OSCE, OPDAT, etc. The Regional Anti-Trafficking Committees (RAC), as the main structures of local identification of potential victims of trafficking, identify the primary problems at regional level, assess the situation and determine the specific needs of the county, they are revitalized by orchestrating orienting periodic meetings with the prefects of the counties and members of the technical tables.

145. In terms of community involvement in identifying and reporting cases of trafficking using the technology, on date June 16, 2014 a conference was held on the introduction of the National Line

116 006 and the Mobile Application "Report! Save." Albania was among the first countries in the region to bring the novelty of using the cellular technology in response to one of the most acute social issues, the prevention of trafficking in persons. National Line 116 006 to report cases of trafficking or those suspected those is offered for free and can be dialed from any landline or mobile phone. The call goes immediately to the Operational hall of the General Directorate of State Police, while the application "Report! Save" can be downloaded for free from the Google Play Store.

146. Office of the National Anti-Trafficking Coordinator, in the framework for enhancing public awareness in the fight against trafficking in persons, has continued to work on organizing awareness raising activities. Thus, in October 2014, in the framework of European Anti-Trafficking Day, he proclaimed the Anti-Trafficking Week with awareness raising activities in 12 districts. During the period from May to September 2015, the National Coordinator for Combating Trafficking in Persons organised the summer national anti-trafficking campaign, awareness activities, meetings and discussion forums, and awareness material distributed. During October, as the month of the fight against trafficking in persons, there are organized the national campaigns to prevent trafficking, awareness raising activities, distribution of information materials, discussion forums with state and non-state actors, with students, exhibitions with works by students of 9-grade and upper secondary schools and a national exhibition in Tirana, television programs and articles in the media, distribution of awareness materials, etc.

## **Article 8**

### **The process of property restitution and compensation**

147. In June 2015 the Committee of Ministers of the Council of Europe welcomed the presentation by the Albanian authorities of the new draft law on the restitution and compensation of properties based on a financial analysis of the total bill of compensation and the technical and legal analysis on which the necessary legal changes will be based. The draft was prepared in consultation with the Department for the Execution of Judgments of ECHR, with the assistance of experts of the HELP program of the Council of Europe in consultation with experts of the World Bank, the IOM Organization, and based on the practice of handling the issue of restitution and compensation of properties by the Constitutional Court. The Law 133/2015 "On property approval and completion of the property compensation process" was adopted by the Parliament on 5 December 2015. The adjustment of the property issues and this law aims to complete the process of ownership acknowledgment and restitution or compensation where appropriate and completion of the process of compensation through the execution of all decisions approved for compensation in these 23 years of process, by accomplishing this process within the next 10 years. For the first time the new law sets realistic and statutory deadlines.

- The examination and decisionmaking for 11 thousand files applied years ago for recognition of ownership will be made in 3 years.
- The law creates the possibility of applying for recognition of ownership in a facilitated way within a preclusive deadline of 90 days.
- In 3 years the economic evaluation of 26 thousand decisions on compensation will be realized.
- A stable and untouchable fund for compensation is created. The physical compensation will have a priority over any other form of compensation.
- A fund of 50 billion ALL, available to the fund of financial compensation of properties which is scheduled to be distributed on a 10 year of process, was approved by law.

- The new law immediately opens the way to the compensation of all decisions for compensation regardless of their cadastral item, creating the premises for compensation of 74 thousand hectares of land within the next 10 years.
- For the process of recognizing the ownership, through the instruments of the new law, the Government assumes the burden of proof in the decision making for the recognition of the ownership. The new scheme has excluded the owners from filling in 30 documents previously required for the recognition of ownership
- For the enforcement of the law, the following bylaws were adopted: 1) DCM No.221, dated 23.03.2016 "On the organization and functioning of the Property Treatment Agency"; 2) DCM No. 222, dated 23.03.2016 "For the handling of applications for property recognition and its compensation." 2) DCM. No. 223, dated 23.03.2016 "On establishing the rules and procedures for the evaluation and dissemination of the financial and physical fund for the compensation of properties”.

148. Agency of Property Treatment has started work on the implementation of legal provisions by: creating a register of files under review, which is published on the website of the Agency; preparation of final register of 26,000 compensation decisions pending to be estimated, under the new scheme established by law. The Agency has started work on the financial assessment of the land fund, which this agency has availability on, based on the applicable valuation map approved by DCM. No. 89, dated February 3, 2016. The land fund is actually composed of 23 thousand ha's of agricultural land identified on the ground, and economically assessed with the value of about 33 billion ALL. This fund has already been published on the website of the PTA and is made public in order to begin the relevant procedures of law enforcement. The use of the physical fund in the property compensation process has advantages against the financial fund. For this purpose, the Interagency Commission will be established to identify the state property, which may become part of the land fund until the conclusion of this commitment in the framework of 10 years timeline.

149. The State Budget has allocated a financial fund of 2 billion ALL, which is added to the fund of 400 million ALL inherited from the previous year's budget which is about to undergo the procedures specified in the bylaws on the rules and procedures in the distribution of the physical and financial fund. Through a fund allocated by the Government through the Fund for Regional Development, the Agency for the Restitution and Compensation of Property has started work on setting up the first digital process of ownership recognition, restitution and compensation of properties from 1993 to this day, the digitalization of the cartographic information on the final decisions on property compensation. This process, among other things, will significantly increase transparency in the administrative process of handling the requests for the recognition of ownership with decision making, and will avoid overlaps of properties as one of the biggest problems of this long process. Through it, the standardization and computerization of the entire process to be followed for handling the requests for the recognition of ownership will be realized; the standardization and unification of cartographic information included in this transparent, fair process will be ensured.

## **Article 9 - Broadcasting media**

150. Law 97/2013 "On the Audiovisual Media in the Republic of Albania" contains several provisions that allow access to audiovisual programs in minority languages and give space to their cultures. The law includes a new concept such as that of "community audio services" as an



innovation that can be used by the communities of the geographical areas populated by members of the minorities. The main principles of this law are: "guaranteeing the freedom of expression"; "... the audiovisual broadcasting activity respects impartially the right to information, political and religious beliefs, personality, human dignity and rights and other fundamental freedoms..."; "... Audiovisual broadcasting activity provides objective and impartial information to the public, correctly presenting the facts and events, and respecting the free formation of opinion ...".

151. The law provides that the community audio broadcasting service "is operated, owned and managed by the community to which it serves; it is offered without the purpose of profit, reflecting the cultural, linguistic, demographic, religious needs of the community. This service is owned and managed by the community to which it serves. Article 61 of the law 97/2013 for licensing the audio and audiovisual services, notes, among other things, that during the review of applications for licensing and decisionmaking on selection of winning applicants, the Audiovisual Media Authority (AMA) takes into account the readiness to offering a variety of services in the area of coverage for various social categories, including minority interests. Licensing of audio broadcasting service to the community is made by the Audiovisual Media Authority (AMA) with open, transparent and non-discriminatory procedure. AMA adopts and publishes the rules and procedures of licensing the audio broadcasting of the community giving priority to these licensings. The license is granted for a limited geographical area.

152. The strategy of digital switchover<sup>52</sup> (Section on licensing of public operator networks and programs) provides that "Programs that are deemed as programs that fulfill the public mission of ART, are broadcast free to air. These programs, after a public consultation, on the proposal of the public operator, are approved by the competent authority designated by law ". The regulation for licensing the digital networks and their programs, through the procedure of *Beauty Contest*, sets forth in several of its articles the ensuring of the minorities' access to the audio/audiovisual programs. The Regulation adopted by AMA notes that: "The applicants for a national license of audiovisual broadcasting should ensure, through the documentation submitted, that the content of their programs will meet the program standards, promoting, among others, the culture of national minorities". The licensing regulation requires the provision of a variety of services in the Republic of Albania for various social categories, including the minority interests. This Regulation adopted by AMA provides a scoring assessment of the program structure for the audiovisual program service providers by promoting the forecast of programs dedicated to the minorities. According to it, any program service will be assessed by units, where from a total of 22 units, the programs for the minorities are evaluated with 2 units. The informative, educational and cultural programs, and the programs for children are evaluated with 2 or 3 units.

### **The Albanian Public Radio-Television**

153. Based on Law "On the Audiovisual Media in the Republic of Albania" and on the Decision of the Parliament no. 440, dated 01.06.2000 "On the adoption of the Status of the Albanian Radio Television", Albanian Public Radio-Television (APRT) intends to provide the broadcasting of the national public service, the implementation of the quality radio and television services to inform, educate and entertain the public, serving the nation, all groups of the society, including the national minorities. The APRT statute provides that: "in its activity the APRT respects the Albanian legislation, international conventions and agreements for the radio and television activity accepted

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<sup>52</sup> Approved by DCM. No. 292, dated 02.05.2012 "On approval of the strategy of transition from analogue to digital broadcasting".

by the Republic of Albania". The APRT activity includes the preparation, production and broadcasting of: a) two national television programs; b) a television program for satellite broadcasting; c) two national Radio Tirana programs (the first and second program); d) a Radio Tirana program for the countrymen, a foreign public Tirana Radio program; e) four regional radio and television programs: Shkodra, Kukes, Korca, Gjirokastra ".

154. In connection with the Steering Board of the APRT, the law foresees the participation of external representatives of various categories (Article 93). The law provides that the "the Council for viewers and listeners" consists of 15 members, elected by Steering Board of Albanian Radio TV (SBART), among its members, journalists or other APRT employees and at least two-thirds of them are external representatives of different social categories. The APRT status provides that the ART broadcasts respect the dignity and fundamental human rights, impartiality and objectivity of information, the children's rights, the Albanian language and culture, the constitutional rights of citizens and of the minorities, the Albanian religious affiliation, public order and national security, Albanian language and culture, the constitutional rights of citizens and national minorities, and the Albanian religious differences". On this basis, projects were implemented for broadcasting programs about different cultures and helping the Roma minority. With the digitalisation process there will be more space and programs based on these fields.

155. The law concerning the Declaration of Intent of the Public Service provides that "the APRT has as a goal the broadcasting of the national public service, the realization of quality radio and television services, educating and entertaining the public opinion, serving the nation, all groups of society, including the national minorities". Article 118 (paragraph 1 a/ç) provides inter alia that during its activity the Albanian Public Radio and Television (APRT) aim:

- to respond to the interests, wishes and concerns of the entire population, to take into account the need for understanding and peace in the Republic of Albania and beyond;
- to make sure that its programs reflect the different human and cultural elements and to pay particular attention to the distinctive elements of the Albanian culture and language;
- to ensure a full range of programs in the Albanian language, which reflect the cultural diversity, entertain, inform and educate the public, provide coverage of sports, religious, cultural activities and meet the expectations of the general public, and individuals, belonging to social minorities, respecting human dignity in every case.

### **Information on the current state of the private and public audiovisual broadcasting media**

156. The Albanian Public Radio and Television (APRT) is a non-profit, public juridical person, based in Tirana, performing public broadcasting services in the field of audio and audiovisual services in the Republic of Albania. The APRT, the only public broadcaster in the country, currently has a coverage of 73% of the territory. By law, the national APRT programs should cover the territory inhabited by at least 90 percent of citizens of the Republic of Albania. Within 2018, at least one of the ART networks shall cover 99% of the population. The APRT also includes in its broadcasts free programs of the regional audiovisual centers, which are located respectively in Shkodra, Korca, and Gjirokastra. Also its program always includes informative and cultural programs dedicated to the minorities, namely the Greek minority in Albania. Currently it has discontinued them.

157. The APRT intends to establish, maintain and put into operation, after approval by AMA, regional, local broadcasting services, or for different social categories or groupings, services which should be free. Specifically, no audio or visual operator has been licensed or has received any authorization to broadcast in the languages of the minorities. Currently the situation of the operators broadcasting in the languages of the minorities is:

- The "ALPO" TV in Gjirokastra broadcasts a one-hour program in the Greek language, every Wednesday evening at 20:30 (re-transmitted on Friday at 16.30) which is dedicated to minority issues. The cultural and informative program is called "Greetings to the minority".
- The "ARMONIA" RTV licensed some years ago in order to serve the interests of the community of the Greek minority in Albania, it never worked.
- TV "KRISTAL", an audiovisual entity broadcasting programs for Roma minorities in the district of Korca, has a legally invalid license.
- The "Prespa" Radio, which has been operating, serving the Macedonian community in the area, has an invalid license and has stopped broadcasting.

## **Article 10 – Use of minority language**

### **Territorial reform**

158. The legislative framework on which the new Administrative Territorial division is based as follows:

- Constitution of the Republic of Albania;
- Framework Convention of the Council of Europe for the Protection of National Minorities;
- European Charter on Local Self-Government;
- Law no. 115/2014 dated 31.07.2014 "On Administrative-Territorial Division of the Local Government Units in the Republic of Albania";
- Recommendation no. 349 (2013) of the Council of Europe

159. Albanian legal framework has no specific references in relation to the administrative-territorial division and the national minorities. In addition, the Framework Convention on Minorities has no specific provisions on this matter. The international practice also does not specify cases to follow, different countries have chosen different criteria and no country has encountered specific criteria on national minorities in the framework of an administrative-territorial reform. The reform of the administrative-territorial division had as the main purpose the formation of capable and efficient local units to provide public services and empower them. The main concept applied is that of "functional areas", as well as a number of other criteria, such as the population, distance of the territory, territorial contiguity and the traditional links. The local government units where the minority representatives live in substantial numbers and are<sup>53</sup>:

- Gjirokastra County: the municipality of Dropull- Administrative Units of Dropull i Sipërm (Upper Dropull), Dropull i Poshtëm (Lower Dropull) and Pogon;
- Korça County: Municipality of Pustec - Administrative Unit Pustec;

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<sup>53</sup> Detailed information on the territorial reform and local government units where a considerable number of persons belonging to the minorities is living, is given in Article 16.

- Vlora County: Municipality of Livadhja - Administrative Units of Livadhja, Aliko, Dhivër, Mesopotam and Finiq.

160. Currently, in the counties of Gjirokastra, Korca and Vlora, the minorities are represented in the decision-making bodies of local governance, they communicate in their own language with the local authorities (in several administrative zones only the language of the minority is used for communication) and the names of streets and villages are defined in two languages.

161. The law "On Local Self-Government", was prepared within the framework of the local government and decentralization reforms, with the support of experts from the Council of Europe and international organizations. The law introduces a new legal basis for the organization and functioning of the local government after the territorial reform by expanding the range of functions and powers significantly improving the aspects that have resulted problematic during the law enforcement, as well as other innovations. In the framework of the consultation process, regional meetings were held with representatives of the local government, associations, as well as meetings with representatives of international organizations.

162. The law 139/2015, dated 17.12.2015 "On Local Self-Government" does not provide for specific provisions for or regarding national minorities, but provides for community structures in the city (Article 68) and in the countryside (Article 70). In the cities, based on the citizens' initiative, community councils of the neighborhood are set up and function. They consist of neighbourhood inhabitants and are organized on a voluntary basis. The municipal councils determine the general rules of the organization and functioning of the community councils of the neighborhoods and the relationships that they have with the cityhall and its structures. The community liaisons are elected from the ranks of the community council members in order to manage and organize the work of the community councils. As a rule, a community council is set up in every neighborhood. The municipal council may decide whether one or two community councils or union of councils of two or more neighbourhoods should be established. The community liaison and Council may support the municipal government functions in their neighborhood and can implement projects in the interest and benefit of the community. Based on the decisions of the municipal councils, the community councils have the right to perform certain functions and powers that may be delegated by the council. In this case, the municipal council decides also on the extent of financing or co-financing to perform the delegated function or competence, which can not be used in any case for bonuses or payments for the members of the community council. The community liaison can be rewarded for his work, according to criteria set by the municipal council, in accordance with the legislation applicable. Their detailed tasks are defined in the regulations and ordinances of the municipal council. (Article 69).

163. According to Law 139/2015, the competent authority to decide on the name of streets, squares, territories, institutions and facilities under the municipal jurisdiction (Article 54 / II) is Municipal Council. Municipal Council take the decision based on the proposals Administrative Unit, on the names of streets, squares, institutions and facilities under its territorial jurisdiction (Article 66).

164. The Cross-Cutting Strategy for Decentralization and Local Governance 2015-2020<sup>54</sup> defines the goal for the increase of the representation of women and youth in local councils up to 50% of the composition of the councils, and to increase the representation of vulnerable groups or ethnic minorities. Law No. 31/2015 on changes to the election code provides for obligatory quota of 50% for women in the municipal councils.

## **Information regarding the inclusion of minorities in local government and use of minority language in public life.**

### **Greek minority**

165. The persons belonging to the Greek minority are mainly located in the counties of Gjirokastra and Vlora. The persons belonging to this minority reside also in other districts such as Fier and Durres. In the municipality of Saranda, they are mainly located in the administrative unit of Finiq. In this administrative unit the majority of the City Council and the Chairman belong to the Greek minority. The inhabitants use the Greek language in the relations with the local government authorities. The toponyms and street addresses are in the Albanian and Greek languages. In the county of Gjirokastra, the Greek minority is settled mainly in the municipality of Dropull and Çarshovë as part of the Municipality of Permet following the territorial reforms. The inhabitants use the Greek language in the relations with the local government authorities. The toponyms and street addresses are in the Albanian and Greek languages. In Vlora County, the Greek minority is mainly found in the municipality of Selenice and in Vlore Centre, which is part of the Vlora Municipality after the territorial reform. This minority has been represented in the local government bodies. The names of streets and squares have been realized in cooperation with the headships of these villages, but without being placed in two languages because such a thing has not been requested.

### **Macedonian minority**

166. The Macedonian minority is concentrated mainly in Korça and in particular in the Municipality of Pustec. There are representatives of the Macedonian minority in local administration and education. The Administration and the teachers are from the Macedonian community. Likewise, in the municipality of Sukth, this minority has been represented to the extent of 2% in the municipal administration.

### **The Aromanian/Vlach minority**

167. The Aromanian minority is mainly concentrated in Vlora and more specifically in the Municipality of Selenice and in Vlore Centre and has been represented in local government bodies. Persons belonging to Aromanians also live in the county of Durres, Korça, municipality of Saranda, where they have also had representatives in the municipal councils.

### **The Roma minority**

168. Although scattered, the Roma minority is located mainly in the counties of Elbasan (Municipality of Elbasan, municipality of Peqin, Municipality of Cërrik), Municipality of Librazhd (Librazhd, Prrenjas), Municipality of Lushnja (Dushk, Terbuf, Golem and Grabian) and Berat (Berat, Otllak Commune). A smaller number is found in the counties of Lezha (Lezha, Mamurras),

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<sup>54</sup>Approved by DCM No.691, dated 29.07.2015

Kurbin (Zheja and Adriati), Vlora (Selenicë and Selenicë commune), Durres (Sukth and Rrashbull commune), Gjirokastra (Zinxhiras), Korçe, Pogradec, Fier (Baltëz, Mbrostar-Ura, Centre Commune), Roskovec, Levan, Novoselë, Lushnjë.

### **Bosniac community**

169. The Bosniac community is located in the Municipality of Shijak and Sukth and in Xhafzotaj as part of the Shijak municipality in the Durrës county. This community is represented at different levels of the local government in the municipal council and in the municipal administration.

### **Egyptian community**

170. The Egyptian community is concentrated mainly in county of Elbasan (Municipality of Elbasan, Municipality of Peqin, Municipality of Cërrik) and Berat where there is a small representation in the local government bodies. A significant number of Egyptians live also in the municipality of Gramsh, the counties of Fier, Durres, Gjirokastra, Vlora, Tirana, Tepelena, Delvine and Lezha.

## **Article 11 Linguistic rights**

### **Civil Status**

171. The Law No. 10129, dated 11.05.2009 "On Civil Status", (as amended) provides for the registration in the National Registry of the Civil Status of all Albanian citizens, foreigners and stateless persons, with temporary/permanent residence in the Republic of Albania, and coverage of components of civil status. Pursuant to this law, the DCM no. 1243, dated 11.12.2009 "On determining the documents to be submitted by the citizens and the procedures that need to be carried out by the civil status offices at the City Hall/Municipal Units/Commune and the special state institutions regarding the change of residence/address of the citizens", provides the same rules for all citizens, who want to register/change residence.

172. Judgment of the Constitutional Court (No. 52, dated 01. 12. 2011), which abolished the Articles 6/1, 8, 42/2, letter "e" and Article 58, entirely, of Law no. 10129 dated 11. 05. 2009 "On Civil Status", because of their incompatibility with the Constitution, has had its effects on the implementation of the law "On Civil Status". Specifically, the adaption of the models of documentation issued by the civil status service, removing the section of nationality, as a component that is not documented in the data components of the citizens' civil status. Upon entry into force of the Judgment of the Constitutional Court, the General Directorate of Civil Status has not addressed any request from the representatives of minorities, regarding the identification of nationality.

173. In the National Registry of Civil Status (NRCS), there is no separate section where indicators such as ethnicity, race, etc., can be reflected. In this law and in the bylaws adopted pursuant to the law on civil status, the same rights and duties are provided for all categories of persons mentioned above in terms of the law on civil status. In paragraph 2 of Article 14 of this Law it is stated that "The citizens have the right to freely choose in which dwelling to live normally or most of the time. He has the obligation to declare as his domicile the dwelling, in which the citizen usually resides or for more than three months without interruption, or more than six months in a calendar year".

174. Law No. 130/2013 "On some amendments to Law no. 10129, dated 11.05.2009 "On Civil Status", envisages strict conditions and procedures for changing the name/surname. Based on these changes, the application for changing the name or surname may be filed "only once and only for reasons of inadequacy". The law prohibits any change when the citizen is under criminal investigation or trial. The procedure involves a substantiated report by the Prefect, the publication of the application and the possibility of third parties to object the change. The final decision is made by the National Commission, at the Ministry of Internal Affairs.

175. Bylaws that provide detailed procedure for changing the name and surname have been approved:

- Instruction No. 481, dated 05. 09. 2013 of the Ministry of Interior "On the correction procedures of the name/surname as material error”;
- Order no. 236/1, dated 20. 01. 2014 "On the establishment of the national commission for the final evaluation of applications for changing the name and surname”;
- Order no. 236/1, dated 20. 01. 2014 "On the establishment of the national commission for the final assessment of applications for changing the name and surname”;
- Instruction No. 91, dated 02. 04. 2014 of the Minister of Interior "On rules regarding the defining of names/surnames considered unfit and those with historical significance, of nationally prominent or well-known families in the municipality/commune where the person concerned has his residence”;
- Joint Order No. 146, dated 19. 05. 2014 of the Minister of Interior and the Minister of Finance" for establishing tariffs on filing an application and posting the announcement of the application for changing the name/surname”.

### **Registration of Roma children**

176. In order to facilitate the registration procedures, the Directive No. 7, dated 10.01.2012, of the Minister of Interior "On Approval of the Procedure and the minutes, to be filled in by representatives of the state police and the municipalities/municipal units/communes for the cases of found children and children unregistered in the registry" was approved by a special bylaw. The subsidiary legal framework provides for procedures and quick solutions of the cases for registration of this population, eliminating barriers of administrative character. In implementation of this directive, for the period 2010 - 2013, a significant number of children, as stated previously unregistered cases, among whom 40% are Roma, have been registered. Referring to birth cases declared from the Roma community and who are not yet registered their number is going towards elimination.

177. Awareness raising campaigns were held in the community on the importance of birth registration and censuses were conducted in the Roma settlements. Roundtables have been organized on civil registration and the measures to be undertaken by the institutions directly/indirectly to members of the Roma communities. The Ministry of Interior, in cooperation with UNHCR and UNICEF, included in the civil registration process not only the central/local government and NGOs specialized in legal assistance, but also 5 local Roma NGOs during 2012. The basic principle to continue to keep the Roma NGOs involved relied on the fact that these NGOs possess a wealth of knowledge on the issues and challenges surrounding the Roma and

Egyptian communities. This approach ensured that all for civil registration are identified and referred for registration to the relevant service providers, while the Roma NGOs had the opportunity to enhance their capacities by working closely with the Tirana based NGOs specialized in legal aid, and the civil registration authorities. Based on the experience of 2011, the program supported, with a series of expert consultations, the service providers during 2012 in connection with the practice, the solution for the problematic issues of the civil registration, the proper implementation of legislation in Albania on local level and recommendations for relative changes. While 2011 witnessed the adoption of three important government acts, 2012 witnessed the implementation of these three acts and the positive way that affected the birth registration process.

178. According to the Ministry of the Interior, in cooperation with the civil society organizations in 2014, 148 children from the Roma community were registered as late registrations and about 500 cases of Roma individuals, who need help of different types for the registration in civil status office were identified. Legal/administrative assistance for civil registration is mainly offered by the civil society organizations. Legal assistance can be provided particularly regarding the registration in the registry office, if any specific case is particularly complex or the person can not afford to pay for legal aid.

## **Article 12 Education**

179. The Law no. 69/2012 dated 21.06.2012 "On pre-university education system in the Republic of Albania" aims to guarantee the constitutional right to education for all, according to the relative legal framework for the functioning of pre-university education system in the Republic of Albania. Like all of other normative acts of this kind, the law is comprehensive. In this context, the law supports the education of all children without distinction, and in this respect, it supports also the education of Roma/Egyptian children, but also of the other differentiated layers of the society. "The pre-university education system is aimed at educating each individual, in order to meet the challenges of the future, to be responsible for the family, the society and the nation (Article 3). This law focuses on the development of our cultural heritage, diversity and respect for the traditions of other peoples. "The right to education" (Article 5, paragraph 1) guarantees the right to education of all citizens, without discrimination on grounds of race, sex, color, ethnicity, language, etc. Specifically: "In the Republic of Albania the right to education of its citizens, foreigners and stateless persons is guaranteed, without being discriminated due to gender, race, color, ethnicity, language, sexual orientation, political or religious convictions, economic or social status, age, place of residence, disability or other reasons defined in the Albanian legislation...".

180. Law No. 69/2012 dated 21.06.2012 "On pre-university education system in the Republic of Albania" (article 10) stipulates:

- Persons belonging to the national minorities are provided the possibilities to learn minority language and receive instructions in minority language, to learn their history and culture, according to the educational plans and programs.
- In order to enable active and equal participation in the economic, social, political and cultural life of the Republic of Albania, conditions are created to the national minority students for learning the Albanian language and acquiring knowledge of the history of the Albanian culture.



- Teaching programs and plans, as well as the ratios of the use of the mother tongue and the official one in the educational process are determined by special acts (instructions) of the Minister of Education.

181. The legal framework in the field of education guarantees the right to education in the mother tongue for persons belonging to the national minorities, enabling the operation of schools and classes where the mother tongue, history and culture of the country of origin are taught. Basic education curriculum allows all schools to develop a school-based curriculum. To this end, all grades have available free hours in the curriculum, where the members of national minorities themselves, through parental school boards, decide on the subjects to be conducted. This creates the opportunity for the minorities to introduce their language in the curriculum as an elective subject and in this case, the school management provides the program and the necessary materials for the correct performance of the lessons.

### **School textbooks**

182. Since 2011, 96 subject curricula (grades 1-9) for the Albanian language, social studies, arts and sports, on history and culture topics have been revised. About 300 teachers (Korca, Gjirokastra) were informed about the integration of Roma and Egyptian language, culture, tradition in the core education curricula. The package of modules "The Roma history, culture and its inclusion in the school curriculum" was drafted and published.

183. Based on the Guideline (Instruction) of the Ministry of Education "On the education in the mother tongue of persons belonging to the minorities", 11 authentic texts in Greek and 46 titles of translations from the Albanian language are used in the Greek minority schools. Even in schools of the Macedonian national minority the structure of textbooks used is the same; 11 authentic texts of the Macedonian language and 46 others, translations from the Albanian language. The cost of publication and distribution of textbooks for schools of the national minorities, due to the small circulation, turns out to be very high. In the schools of the Greek minority, the Greek language is taught from the first up to 12<sup>th</sup> grade; new subjects have been also introduced in the 9-grade education, such as "Knowledge about the history of the Greek people", "The geography of Greece", " Place of birth ".

184. In June 2016, the Ministry of Education and Sports has made available to the Greek party all the Albanian textbooks of history, geography, language, literature and economics (except the textbooks of the grades II, VII and X that were drafted in compliance with the new competence based curriculum) for evaluation by them, in accordance with the Protocol of the 2<sup>nd</sup> Meeting of the Albanian-Greek Joint Committee, held in Tirana on 19 November 2014. On its part, the Greek party has made available in electronic form its textbook of history, geography, language, literature, culture, and economics in three copies and in the electronic format.

185. Based on the Order of Minister of Education and Science, no. 530, dated 26.10.2011 "On the approval of the informing package Altext 2012", one of the criteria for the evaluation and approval of textbooks has been the reflection in them of the gender, racial, national, religious equality and of the non-discriminatory democratic principles. In order to complete the demands of the minority schools with all the number of textbooks required, in 2012 the Ministry of Education and Science established the BOTEM publishing house that deals only with these textbooks.

186. Based on joint agreements between Albania and Greece, all students of the Greek national minority, who learn in the public schools of the Regional Education Directorate (RED) of Gjirokastra (316 students), the Education Office (EO) Delvine (134 students), EO Saranda ( 356 students) were given textbooks free of charge. The cost of these texts is very high for the Albanian state due to their very low circulation. The number of textbooks used in the schools where the national Greek minority is learning, among them titles in the Greek language, translated titles, titles of specific subjects that are taught only in schools of this category is very high, almost the same as that of core Albanian education. The teaching plans and programs have been prepared in cooperation with the teachers of the Greek national minority and specialists of the RED of Gjirokastra. Some of these teachers are the authors of the textbooks that are used by the children of this minority. 98 teachers for 777 students in total are teaching in the Greek minority schools, so a teacher for about 8 pupils, while on national scale this ratio is 1:20.

187. Regarding the students of the Macedonian minority in the jurisdiction of the RED in Korça, Liqenas Commune (135 students in total in the 9-year and secondary education), and the communes of Gorica e Madhe and Gorica e Vogel (105 students in 9-year education), the structure of titles is the same as that of the Greek minority. 11 authentic titles in the Macedonian language are in the hands of the pupils, but the titles of translations and those in particular to learn the Albanian languages are completely missing. Currently free textbooks have been provided for the students of the national minorities, Saranda for 279 students, 271 students for Gjirokastra, 129 students for Korça and 121 students for Delvina. The minority students are provided with textbooks of the subjects conducted in Albanian.

188. The state of textbooks of the national minorities, according to the curriculum on September 1, 2013 was: Of the 66 titles in the Macedonian language, 32 titles were produced, 34 titles were missing. Regarding the situation of the lack of textbooks, the Ministry of Education and Sports made arrangements for the preparation and publication of textbooks for the Macedonian national minority and in 2013, 15 new titles were published. Likewise, for the first time during the 2013-2014 school year, 17 texts translated from Albanian to Macedonian were published and multiplied. For the academic year 2014-2015, the funding for textbooks of the national minorities has been doubled. The Ministry of Education and Sports has adopted all measures in terms of enabling the textbooks and infrastructure of the educational institutions where children of the Macedonian minority live, such as the case of the Municipality of Pustec, where it is closely cooperated with the local government.

189. Since 2015, textbooks for national minorities meet European standards. For this goal we are working to translate new texts in the native languages of minorities as well as to adapt several texts about giving accurate information to national minorities in their respective places. In the document "Strategy of Pre-University Education Development 2014-2020" one of the activities provided for in the plan for its implementation is the continuation of the provision of the national minorities with textbooks free of charge, as well as the provision of textbooks, to ensure quality teaching standards for national minorities according to contemporary standards. For the school year 2015-2016, are provided by the Ministry of Education and Sports free school textbooks for 1043 pupils of minorities with a financial value of 16 milion ALL, and free transport for 312 pupils, with a value of 6.5 milion ALL.

## Qualification of teachers

190. A constant attention is paid to the professional training of teachers. There has been good cooperation with the Greek language department at the University of Gjirokastra and Balkan Slavic languages at the University of Tirana. The Department of Slavic and Balkan Languages at the University of Tirana, and the Department of the Greek Language, Literature and Civilization at the University "Eqerem Çabej" of Gjirokastra are functioning for the training of teachers working with students pertaining to the national minorities. The "teaching" branch is functioning in the pedagogical high school in Gjirokastra. It trains teachers for the schools of the Greek national minority.

191. During the period 2010-2014, MOES has supported with assistant teachers about 450 Roma and Egyptian children for homework assistance, preparation for the school leaving exams etc., organizing them in supplementary classes/remedial classes to refrain dropout by these children, in Municipal Unit No. 4, in the "Allias" area, respectively in the 9-year schools "Bajram Curri" and "Ramazan Jarani". Likewise, it is foreseen to train the teachers, who teach students from the national minorities on the new curriculum, class I, II, V, VI with competency based learning for 2016.

192. In schools and classes attended by Roma children, the Regional Education Directorates and Education Offices have appointed experienced, dedicated at work teachers and with ethics of communication. From about 1000 teachers working with Roma pupils, 800 of them are university graduates and over 140 secondary school graduates with over 20 years of teaching experience. 63 boards operate in the schools of the Roma and Egyptian communities. Members of these boards are 98 Roma and Egyptian parents. Support groups with the participation of classroom teacher, psychologist, school board, student government and members of the Roma community are established and functioning at schools with regard to the attendance and progress of students in the learning process.

193. In the pedagogical school in Gjirokastra, is functioning the teaching branch for the Greek minority, where teachers for the schools of the Greek national minority are trained. In the Gjirokastra University there is a branch of the Greek language. Likewise, at the Faculty of Foreign Languages of the University of Tirana there is a Greek language branch. The Macedonian language is studied as an elective subject in the second and third years in the Department of Slavic and Balkan Languages at the Faculty of Foreign Languages of the University of Tirana. The module has 4 credits (40 hours) per semester, making a total of 16 credits for two years of study.

194. Human rights are part of curricular package of pre-university education by having an important place:

- In the learning standards in pre-university education,
- In the the official curriculum of civic education, as well as pre-university education in the grades from 1-12,
- Human rights issues are treated in textbooks in the subject of civic education and in various activities that take place at school in the implementation of curricular objectives.
- Human rights are also treated in the context of crosscurricular (inter-subject) activities and the extracurricular ones. Numerous publications even from the NGOs support the development of these activities.
- Education on Human Rights is part of numerous unified programs of training and qualification of the teachers of civic education.

## Access of the Roma to education

195. The Ministry of Education and Sports has taken a series of measures related the inclusion of Roma children and youth in pre-university schools aimed at registration and enrollment of children in preschool and compulsory education; elimination of excluding and inferior attitudes towards Roma in the school community, by preserving and developing the cultural identity of pupils and students of Roma etc. The existing legal framework on the education of children from the Roma and Egyptian communities, is:

- Decision no. 672, dated 07.08.2013 of the Council of Ministers "On the financial quotas of food at canteens and dormitories, state scholarships and payments of pupils and students at public educational institutions for the academic year 2013-2014", all students or Roma and Egyptian students are awarded scholarships by decision of the Councils of Municipalities or communes.
- According to the Decision no. 565, dated 27.06.2013 of the Council of Ministers "On admission and tuition fees at public institutions of higher education in the first cycle of studies full-time and integrated programs of the second cycle, for the year 2013-2014 academic", paragraph 9," the Roma, Balkan Egyptian children are exempt from the annual tuition fees ".
- Decision no. 517, dated 1.08.2015 of the Council of Ministers "On the admission quotas and tuition fees at public institutions of higher education in the first cycle of studies full-time and integrated programs of the second cycle, for the academic year 2015-2016", Roma, Balkan Egyptian children are exempt from the annual tuition fee". For the academic year 2015-2016 there were 20 quotas for the Roma and the Balkan Egyptians. This academic year a growth of 33% is predicted for specific categories for the second cycle quotas. These candidates also benefit a 50% fee reduction for the second cycle and 100% for the first cycle.
- MoES instruction No. 21, dated 08.08.2014 "On the growth of pre-school attendance by the Roma children".
- MoES Instruction No. 38, dated 07.10.2014 "On the criteria of the assistant teacher for the students with disabilities at public institutions of pre-university education".
- Joint order (MoES, MIA and MoH) Nr. 2, dated 05.01.2015 "On approval of the Regulation for the implementation of the Cooperation Agreement dated 02.08.2013 "On identification and school enrollment of all children of compulsory school age".
- Instruction No. 23, dated 08.08.2014 "For the 2014-2015 school year in the pre-university education", Chapter II, paragraph 1/c, the Regional Education Directorates and Offices are instructed to complete with priority the needs and requirements for education in mother tongue of national minorities. Starting from the 2011-2012 school year the Roma children, in compulsory education, receive free textbooks in the school where they are registered.
- For the 2015-2016 school year, textbooks were received free of charge even by the Egyptian pupils, in the implementation of DCM no. 707, dated 28.08.2015 "On some amendments and additions to the Decision no. 107, dated 10.2.2010 of the Council of Ministers "On the publication, printing, distribution and sale of textbooks of the pre-university education system", (amended). During the school year 2015-2016 are provided 39035 free textbooks for 3673 pupils of Egyptian community.

196. Provision of educational services for the Roma and Egyptian communities by creating real equal opportunities at all levels of the education system in recent years is based exclusively on the

"National Plan of Action for the Decade of Roma Inclusion 2009-2015", and in meeting the recommendations for the inclusion of Roma, in the context of Albania's EU integration. The action plan contains: measurable objectives, the Roma community statistics, and data on Roma children from 3 to 6 years. Alongside the documentation for indicators and progress within the initiative, each RED/EO cooperates with the basic units of local government in the cases: when the parent does not have the necessary documentation; when the kindergartens and schools have not enrolled Roma children; for providing a special care by the psycho-social services for the Roma children attending kindergarten; for providing transportation for Roma children of preschool age. In order to improve the quality of service in schools, differentiated work and additional instruction continues for students, who come from the Roma communities with modules prepared by IED; the organization of trainings continues in schools with parents of Roma children, focusing on: Help for learning the Albanian language. The system of collecting statistical data to identify students coming from the Roma community, who drop out of school has improved; areas where second chance might be functional (given the number of children who have dropped out of school by age group) have been identified; clear documentation has been designed for the students attending any form of education, with a view to their integration in schools.

197. Through inter-institutional cooperation, the piloting of an integrated approach "school with food" was realized. In this context, in the 2012-2013 school year, the "Naim Frasheri" school in Korca was supported with 335 scholarships/food quotas for the Roma and Egyptian pupils. By Decision of the Council of Ministers No. 665, dated 07.08.2013 "On the admission quotas and tuition fees", this support continued even during the 2013-2014 school year. Starting from 2009, in each academic year, by Decision of Council of Ministers, 20 students from the Roma and Egyptian communities are accepted at all levels of studies, 100 students every year (bachelor full-time and part-time, professional master full time the part-time and master of science). The tuition fee of the Roma and Egyptians students is also determined annually by the Council of Ministers and is at levels of 50% -100% scholarships.

198. The Memorandum of Cooperation no. 254/1, signed on 21.11.2014 between the MoES and ARSIS Centre (Social Support Organization of Youth) in partnership with MoES and MSWY, with the support of the Roma Education Fund (REF), has started implementing the project entitled "Improving the educational achievements of Roma and Egyptians (R/E) young people of ninth grade and following them up until graduation from the secondary education". Within this project, 80 social scholarships (30 Euro/month for each student selected, 300 Euro/year) are being distributed to the Roma and Egyptian students of the 9th grade.

199. In partnership with ARSIS (Social Organization of Support of Youth) and with the support of the Roma Education Fund (REF), the MoES and MSWY has started implementing the project titled "Improving the educational achievements of Roma and Egyptians young people of the ninth grade and their follow up to their high school graduation". In the framework of this project, 80 social scholarships (30 Euro/month for each student selected, 300 Euro/year) have been distributed to the Roma and Egyptian students of the 9th grade

200. During the 2013-2014 academic years, 93 Roma and Egyptian teachers, graduated in teaching, were identified. 86% of them (80 teachers) are employed in the system: 10 in the pre-school, education, 21 in the grades I-V; 35 in the grades VI-IX (1 school headmaster from the Egyptian community in Diber) and 14 in the secondary and higher education. The 35 Roma teachers are employed in accordance with the specialty of the diploma they hold. Starting from the 2011-2012 school year, the Roma children in the compulsory education receive free textbooks in

the school where they are registered. The number of Roma students who have received free textbooks for the 2013-2014 academic year was 3370 and for the 2014-2015 academic year is 3219 students. During the 2014-2015 school year, 3446 Roma pupils received free textbooks. During the school year 2015-2016 are provided 24 327 free textbooks for 3205 Roma pupils. Starting from 2009 the quotas set by for university admissions for Roma/Egyptian students is 20 for every study level.

201. In connection with civil registration in 2014, meetings were held in 12 districts centers, where there are large concentrations of Roma families. The aim was to identify unregistered cases and determining the manner of their judicial administrative settlement. On the other hand, the process of registering cases previously identified continued orderly. From this process, in 2014, 147 children were registered as late registrations.

202. Under the program "The school as a Community Center" a number of measures were taken to reduce the dropout phenomenon and to improve the educational situation of the Roma and Egyptian communities. In cooperation with the local government, one successful approach is to organize supplementary/remedial classes to curb the school dropout from the Roma children. MoES has taken a series of measures aiming at: Registration and attendance of children in preschool and compulsory education; Elimination of excluding and inferior attitudes towards the Roma in the school community; Maintaining and developing the cultural identity of the minority pupils and students of the Roma minority. With the aim to improve the qualification of teachers in terms of high sensitivity issues as ethnic diversity, within the "Program for the integration of Roma history and culture" in the curriculum, interventions have been made in the program "Training of trainers in education". The Ministry of Education and Sports is also giving priority to the education of Roma children in early childhood. For this, in implementation of the initiative "Every Roma Child in the kindergarten", all pre-university educational institutions have drafted an action plan to increase the attendance of kindergartens and the integration of the Roma children in kindergartens. The use of the brochure "A School for All" aims at the inclusion of the Roma/Egyptian children and other children with problems in education. In the framework of the "International Roma Day" they organized a series of activities in different cities of Albania aimed at alerting public opinion on this layer of the population with the slogan Peace and development for all Roma in the world. During summer holidays in 2013, are organised in different region of the country 60 summer camps in collaboration with UNICEF and other organizations. From a total number of 2677 children, 722 were Roma and Egyptians.

#### Statistical data for the Roma children within the educational system 2011-2015:

School year	Preschool education		Basic education		Upper secondary education		Total in pre-university education	
	Total	±	Total	±	Total	±	Total	±
2009-2010	681		2866		29		3576	
2010-2011	516	- 165	2888	+ 20	94	+ 65	3498	- 78
2011-2012	560	+ 44	3435	+ 547	113	+ 19	4108	+ 610
2012-2013	664	+ 104	3231	- 204	200	+ 87	4095	- 13

<b>2013-2014</b>	619	- 45	3370	+ 139	176	- 24	4165	+ 70
<b>2014-2015</b>	921	+ 302	4437	+ 1067	422	+ 246	5780	+1615
<b>2015-2016</b>	968		5877					

203. Statistics show positive indicators in realizing the goals and objectives stated in the field of education.

- In the 2012-2013 school year in secondary education 200 Roma pupils attended lessons (or 87 young Roma more than a year ago).
- In the 2013-2014 school year the number of Roma children part of pre-university education system was 4165, as compared with 4095 in the 2012-2013 school year.
- In 2014-2015 school year in pre-university education were enrolled: 5780 Roma children and pupils (1615 more as compared with the previous school year),: 921 Roma children, in basic education: 4437 Roma pupils (4371 in public education, 66 in non-public education), in secondary education: 422 Roma students (408 in the public education, 14 in non-public education).
- During the year 2015-2016 the number of Roma pupils on the pree-university education system is 5877.
- From a total of 917 children who attended "Second Chance", 625 of them are Roma and Egyptians.
- In internal regulations and annual work plans of the school directorates measurable objectives are set for the inclusion and, based on these indicators, bimonthly analyzes are held with parents, school board and community.
- During the year 2013 Regional Education Directorate (RED) and Education Office trained 563 teachers for advising the Roma parents and conducted 442 awareness raising campaigns with the participation of over 1,500 Roma parents.
- For respecting the cultures within the school and harmonizing the interests of pupils, the school directorates, in collaboration with children, parents and community are planning perennial intercultural activities with Roma and non-Roma parents and pupils. During the year 2013, 602 intercultural activities were organized in 96 schools with the participation of over 4800 pupils.
- Regional Education Directorates and Education Offices have appointed experienced, devoted at work teachers and with ethics of communication in schools and classes that are attended by Roma children. From about 1000 teachers working with Roma pupils, 800 of them are university graduates and over 140 with secondary education with over 20 years of experience in a teaching job.
- 63 boards operate in the schools of the Roma and Egyptian communities. 98 members of Roma and Egyptian parents are board members.

### **Problematics, difficulties, challenges**

204. Despite continuous efforts the number of Roma pupils attending the secondary school still remains unsatisfactory in figures. The Ministry of Education and Sports (MoES) will continue to have as a priority the improvement of the educational situation of the Roma community. One of the major challenges is the commitment of MoES to implement the National Action Plan for the Integration of Roma and Egyptians in Albania, 2015-2020, which is already approved. In this plan, the policy area "Education and promotion of intercultural dialogue" has as strategic aim the

provision of quality and inclusive education for the Roma and Egyptians to promote the intercultural dialogue as per the following directions:

- Increasing the number of Roma children in pre-school and preparatory classes in basic education and upper secondary education.
- Identifying and avoiding any exclusive and inferiority attitude toward the Roma in the school community and the transformation of the cultural diversity into a source of knowledge and atmosphere of mutual, tolerant, comprehensive and understanding respect.
- Creating conditions and opportunities that all Roma, who are adults, be enrolled in part-time schools, to acquire the compulsory education.
- Development of a curriculum for teaching Romani language and culture in pre-university levels.
- Inclusion with priority of all Roma who have graduated and who will complete the higher education for teaching.
- Inclusion of Roma and Egyptian parents in the life and activity of educational institutions in the framework of the initiative "The school - a community and friendly centre to all".
- Transformation of the cultural diversity into a source of knowledge and the atmosphere of mutual respect, tolerance and understanding.
- Maintaining and developing the cultural identity of the Roma pupils and students.
- Drafting and development of basic and intermediate level modules of training for teachers, for a better service to the Roma/Egyptian pupils in kindergartens and schools.

#### **Admissions of Roma and Egyptian young people to universities:**

205. Starting from 2009, in each academic year, 20 Roma and Egyptian students at each level of study (bachelor, professional master and master of science, all full-time and part-time) are accepted by DCM. The tuition fee for the Roma and Egyptian students is determined annually by DCM and is at the level of 50% -100% scholarships. The increase of the number of Roma young people, who attend upper secondary schools and the successful completion of secondary school by them, will increase the number of roma students in universities through admissions on merit and preference.

Study Level	Quota						Fees					
	2009	2010	2011	2012	2013	2014	2009	2010	2011	2012	2013	2014
<i>CI (Bachelor)</i>	20	20	20	20	20	24	100%	100%	100%	100%	100%	100%
<i>CI part time</i>	20	20	20	20	20	-	100%	100%	50%	50%	50%	-
<i>MSc</i>	20	20	20	20	20	15	50%	50%	50%	50%	50%	50%
<i>Prof. Master full</i>	20	20	20	20	20	15	50%	50%	50%	50%	50%	50%
<i>Prof. Master part</i>	20	20	20	20	20	-	50%	50%	50%	50%	50%	-

206. According to DCM No. 517 dated 01.08.2014 and the DCM No. 668, dated 15.10.2014, for the 2014-2015 academic year the candidates for bachelor and master levels applied directly to MoES for the quotes predicted for the year 2014- 2015. In order to be fair and transparent, for the



first time MoES applied the procedure of oral interviews after application with files at the MoES. For 65 quotas of the first cycle of study 42 students were announced winners, of whom 26 were Roma/Egyptian students. In the study programs of the second cycle 5 (five) Roma/Egyptian students for professional master and 4(four) Roma/Egyptian students for Master of Science were accepted.

### **Article 13- Opening private institutions**

207. The Law on Pre-university Education Article 42, paragraphs 4/5/6 provides for the opening and operation of non-public educational institutions in the language of national minorities: "Private schools, in which instruction is carried out in a foreign language, or issuing foreign diplomas or similar to them, opened and closed by decision of the Council of Ministers, on the proposal of the Minister. The opening criteria and procedures are determined by decision of the Council of Ministers". "In private schools determined in paragraphs 4 and 5 of this Article, the subjects of Albanian language and literature, history of the Albanian nation and the geography of Albania are compulsorily taught in the Albanian language". The opening of non public institutions is regulated by DCM No. 825, dated 07/10/2015, "On determining the criteria and procedures for granting permission for the opening, closing and operation of private pre-university education institutions, in which religious subjects are conducted, or where classes are held in a foreign language".

208. Regarding the opening and operation of non public educational institutions in the language of national minorities, currently, the private schools that conduct Greek language courses are the schools name "Holy Cross" and "Spirit of Love" in Durres, the school "Omiros" and "Platon" in Korça, "Arsakeio" and "Protagonists" (12 grade school) in Tirana, "Omiros" in Vlora, "Holy Cross" in Gjirokastra and "Spirit of love" in Delvina.

### **Article 14 - Right to learn the minority language or receive instruction in minority language**

209. Law no. 69, dated 21.06.2012 "On pre-university education system in the Republic of Albania (Law on Pre-university Education) guarantees the right of education of minorities, the right to learn minority language, or receive instruction in it. This comprehensive law provides the right of education without discrimination based on ethnic affiliation. Based on this law "The opening and closing of educational institutions of national minorities is made by decision of the Council of Ministers, at the proposal of the Minister of Education". The education of minorities is provided within basic education system. There are 19 educational institutions with an average of 700 pupils belonging to greek minority. These institutions are managed by the Regional Education Directorate in Gjirokastra, Education Office in Saranda, and Education Office in Delvina. The number of teachers is around 62, an average of 1 teacher/11 pupils. With relation of education of Macedonian minority, there are 6 educational institutions with an average number of 147 pupils belonging to this minority. These educational institutions are managed by the Regional Education Office in Korça. The number of teachers is 22, with an average of 1 teacher/7 pupils. Reports of developing courses in these institutions are: 40% in Albanian and 60% in their native language while within primary school level this ratio is 90% in their native and 10% in Albanian language. Each year, Ministry of Education issues guidelines on the pre-university Education. A Section on the Diaspora and Minorities at the Department of Pre-University Education was established at the Ministry of Education and Sports in December 2015. Likewise, the restructuring of Regional Education

Directorate and Education Offices enables the appointment of specialist on minority in those Regional Education Directorates and Education Offices, where there are minority schools.

210. Children belonging to minorities are learning new school curricula and first class and six are working with texts of contemporary standards. Work is underway to also prepare the curricula for the following classes according to the new curricula textbooks. Children belonging to minorities have the opportunity to learn their mother tongue, besides the Albanian language since first grade, and starting from third grade they have the opportunity to learn a foreign language. In the framework of the project on School Community Center, are created the opportunities to promote the culture and traditions of minorities, by including as well their parents in these activities. In this context are provided possibilities to organise courses of minorities languages, according to the legal framework. During year 2015, in the framework of the pre-university education reform, a new syllabus for the minorities (Greek and Macedonian) was developed, and the lesson program of the competency based curriculum, in accordance with this syllabus are prepared. By Instruction no. 25, dated 17.08.2015, "For the 2015-2016 school year in the pre-university education" was implemented the new syllabus for the minorities education.

- The curriculum of national minorities, approved by Order of the Minister of Education and Sports No. 186, dated 15.05.2015, "On the determination of the curriculum for the national minorities", maintains the same content and hours distribution of the previous syllabus for the subjects as the Mother Tongue (Greek/Macedonian), Native History and Native Geography and obtains the same distribution of hours and content of the reformed plan of basic education for subjects of general formation course. This syllabus differs from the reformed syllabus of the basic education only for the subjects: Albanian language, first foreign language and physical education, sport and health.
- Number of classes of the mother tongue (Greek/Macedonia) in the new syllabus does not change from the existing curriculum of national minorities.
- Native History (Greek/Macedonian), in the new syllabus of the national minorities foresees same classes' distribution as in the existing syllabus of national minorities.
- Native Geography (Greek/Macedonian), in the new syllabus of the national minorities foresees same classes' distribution as in the existing syllabus of national minorities.
- The total number of weekly hours of Albanian language from grades 1-9 in the new syllabus of the national minorities is increased twice as compared with the existing syllabus of the national minorities.

211. Regarding the subject curricula, 96 subject curricula (grades 1-9) for the Albanian language, social studies, arts and sports, for topics on history and culture have been reviewed. About 300 teachers (Korca, Gjirokastra) were informed about the integration of the Roma and Egyptian language, culture, tradition in basic education curricula. The package of modules "History, Roma culture and its inclusion in school curricula" was drafted and published. The new syllabus for the minority schools of basic education, compiled by the Institute of Education Development, which reflects the new curriculum changes, was adopted by order nr.186, dated 15.05.2015 of the Minister of Education and Sport. This syllabus has come into force this school year, pursuant to Instruction no. 25 dated 17/08 /2015, "For the 2015-2016 school year in Pre-university Education". Each year, the General Instruction of the school year, sets out with what syllabus the minority schools will operate. The syllabuses are drafted and approved by Minister's Order whenever there are changes in the curriculum. By Instruction No. 23, dated 08.08.2014 "For the 2014-2015 school year in Pre-university Education", Chapter II, paragraph 1/c, the Regional Education Directorates

and Offices are instructed for completing with priority the needs and requirements for education of the national minorities in the mother tongue.

212. In this context, the Ministry of Education and Sports has defined concrete goals and action plans for the education in the mother tongue, as in the document of the Strategy of Development of Pre-University Education 2014-2020, as well as the sectoral strategy for the education of children of national minorities. The work plan of the Department of Diaspora and Minorities, in MoES provides for:

- The review of the Instruction no. 14, dated 3.09.1994 "On the 8-year education in the mother tongue of persons belonging to minorities". A draft instruction was prepared based on order 186 dated 05.15.2015 "On determining the curriculum for national minorities". The review of this instruction is an immediate need to its adjustment with all the reforms undertaken by MoES in the Pre-university Education.
- Instruction No. 16, dated 3.8.2016 "For the start of 2016-2017 school year" has been adopted, including the new syllabus for the national minorities, adapted to the new curriculum.
- In collaboration with Education Development Institute, trainings will be performed with teachers teaching in schools of the national minorities, for their professional training.
- Organization of cultural activities in schools of national minorities for the promotion of culture and intercultural dialogue.

213. Regional Educational Directorates and Education offices (REDs/EOs), in cooperation with local government units (municipalities/communes), are responsible structures for dealing locally with the problems of education. REDs/EOs that have in their jurisdiction pupils belonging to the national minorities. Within this structure are appointed official who deals specifically with various problems that might arise for the education of national minorities. The Ministry of Education and Sports, as well as the REDs/EOs monitor and collect specific statistical data on the minority education. In the Educational Offices (EO) Saranda, RED of Gjirokastra and the Regional Education Directorates (REDs) in Korça are operating 17 schools of Greek and Macedonian national minorities with 534 pupils and 11 schools of basic education with classes for these minorities, with 450 students. For Greek national minority, in Delvina are functioning 8 schools/classes with about 134 pupils, in Saranda there are 7 schools/classes with 357 pupils and in Gjirokastra are functioning 6 schools/classes with 319 pupil. For the Macedonian minority, in Korca, in Municipality of Pustec (Gorica e Madhe and Gorica e Vogël), are functioning 6 schools/classes with 174 pupils. In the schools of the Greek national minority, 98 teachers are teaching for 810 pupils in total. For the pupils of the national minorities in Korca, Saranda, Delvina, Gjirokastër, free transport has been ensured and the osts are anticipated from the state budget. In total, about 7.8 million ALL are estimated with funding source from the state budget.

### **Statistics on minority schools**

214. The Greek national minority schools extend in Gjirokastra, Saranda and Delvina. In Gjirokastra there are three kindergartens respectively in Derviçan, Goranxi, Jergucat and four public schools (Bularat, Derviçan, 9-year school Jergucat, Pandeli Sotiri). Basic education is attended by 268 students. The number of pupilss for each school is: 1Public School Bularat – 19 pupils; Public School Dervican – 98 pupils; 9 year school Jergucat – 5 pupils; "Pandeli Sotiri" School – 146 pupils.

215. In Saranda, there are three kindergartens (Saranda – 29 children, Dermish – 11 children, Aliko – 10 children), attended by 50 children in total. Data indicate that 280 pupils attend the basic education in seven schools of Saranda town: 1)“Adem Sheme” School - 182 pupils; 2)“Lefter Talo” School, Livadhja – 58 pupils; 3) Dermish school– 10 pupils; 4) Dhiver school – 4 pupils; Leshnica school – 3 pupils; Cuka school – 6 pupils; Aliko school – 17 pupils.

216. Currently in Delvina there are functioning four kindergartens, frequented by 56 children, (Finiq - 16 children, Karahaxh - 15 children, Mesopotam - 15 children, Krane - 10 children), and three schools frequented by 125 pupils in total (Finiq - 35 pupils, Mesopotam - pupils, Costa Cavo - 5 pupils, Krane - 13 pupils, Bistrica - 8 pupils, Vrion - 5 pupils, Dhrovian - 1 pupils, Bregas - 4 pupils). According to the data of Regional Education Office there are 140 children belonging to greek minority who attend the kindergarten and 673 pupils of this minority attending the basic education.

217. In Korca: the conditions have been created for the education in kindergartens The data are: 12 children – Goricë e Madhe; 15 children – Kallamas; 13 children – Diella; 6 children – Zaroshkë; 5 children – Lajthizë; 26 children – Liqenas.

218. Regarding basic education, in Korca there are six public schools, which are in: Goricë e vogël, Gorica e madhe, Kallamas, Liqenas (central school), Diellas and Lajthizë. There are 147 pupils, who attend the school and 77 children, who attend the kindergarten. Specifically, the number of pupils in these schools is: 1) Goricë e Vogël – 43 pupils; Gorica e madhe – 4 pupils; Kallamas – 19 pupils; Liqenas (central school) – 73 pupils; Diellas – 4 pupils; Lajthiza – 4 pupils.

219. Regarding the request of the associations representing the minorities for the opening of classes/courses, in 2014, by the "Jedinstvo" association it was claimed the opening of the courses of the Serbian language in the municipality of Libofshë, Fier, without respecting the legislative framework that defines the procedures to be followed and criteria to be met for their opening. By the Ministry of Education and the Regional Education Directorate in Fier was provided expertise and cooperation for the legal treatment of this request. In order to address this issue, the authorities of the Regional Education Office informed this association to proceed with the submission of the curricula. After its reviewing, there is a possibility of teaching of the Serbian language in the school facilities, according to the standards of the School as Community Center.

## **Article 15- Participation in public life**

### **State Committee on Minorities**

220. State Committee on Minorities (SCM) was established by the decision of the Council of Ministers no. 127, dated 11.03.2004 "On the establishment of the State Committee on Minorities", and has a consultative status with regard to designing and implementing the national policies on minorities. It is composed of elected representatives of the minority/minority associations. The SCM operates as a collegial consultative body of the state institutions and is an important structure for transmitting the voice of interest groups (minorities) to the government and decision makers, providing advice on minority issues. However, since its formation, the SCM has evolved a little and failed to present the dynamics requested from the minority associations it represents. The State

Committee on Minorities has been represented and has contributed to the Interagency Working Group on the Evaluation of the legal and political framework on the Minorities.

Issues and problems of the State Committee on Minorities

- ≠ The associations consider that the process of electing their representatives in the Committee may be improved. Also, as the number of minorities and associations increases, it is necessary to find a solution for a more direct, more democratic and more inclusive election process of the representatives, which might ensure the necessary rotation for equal representation of all minority groups and their associations.
- ≠ The SCM does not seem to have a clear platform on the process of inclusion in its activity of minority associations it represents; therefore, it is considered appropriate that this process be addressed in a legal manner, by providing for special procedures.
- ≠ The SCM is an advisory body, but as such it rarely is involved by the line ministries in the process of drafting state policies or strategies for minorities, or for those aspects of different policies and strategies that affect the minorities. This reality requires a binding legal recourse to all central state institutions
- ≠ The coordination of the SCM with the local authorities, especially those in the areas where there is a significant presence of minorities, which should not be left to spontaneity or goodwill, but just like the cooperation with the central institutions, should be legally foreseen.
- ≠ The dynamization of the internal functioning of the SCM, through enhanced powers (especially in the promoting aspect) and through their extension of the field, especially in neighbourhoods with significant minority presence.

221. Problems identified by SCM:

- significant lack of decision-making functions, which are related to insufficient institutional consultative status;
- clear lack of executive powers, difficulty in functioning in coordination and with other state agencies;
- need to complement the functional, human and financial framework for performing their duties;
- increasing the decision making and executive powers of the Committee about the minority issues that are related to the preparation and proposal of laws and bylaws in this field;
- the obligation of consultation of the state institutions and presentation of the official stand of the State Committee on Minorities regarding the draft legal acts and regulations and other institutional measures of the state institutions which are in their field of activity and dealing with national minorities;
- establishment of regional offices for minorities in the regions, where a considerable number of persons belonging to minorities live to maintain contacts with the local government authorities and the minority organizations in these areas in order to identify problems and solve them within the activity of the Committee

222. State Committee on Minorities has submitted concrete proposals:

- To draft and adopt a framework law "On protection of minorities" and perform the changing of legal provisions and bylaws of the respective areas in accordance with the provisions of this Law. This law will guarantee: The legal criteria on the basis of which minorities will be identified; The right to self-declaration; Effective equality in public life; Use, teaching of and instruction in minority languages and alphabets; The use of

- symbols of national minorities; Representation in the public media and development of media programs in minority languages; Raising a special fund for developing cultural programs in minority languages with particular focus on the Roma community; Equal representation in the central and local government bodies, etc.
- Proposal on some amendments to the Decision no. 127, dated 11.03.2004 "On the establishment of the State Committee on Minorities" by expanding the decision-making powers, the independence and institutional role of the State Committee on Minorities.
  - Proposal for amending the Electoral Code, anticipating and reducing the electoral threshold for political entities, parties or party coalitions which have as main object of their program the protection of minority rights and freedoms.
  - Proposal for amending the law "On political parties" by providing a smaller number of signatories to the creation of minority political parties.
  - To amend the Law 10129, dated 11.05.2009 "On Civil Status" amending projecting the return of the term "nationality" after the adoption of the definition of minorities in the law on minorities.
  - Improving the legislative framework in the field of education.
  - To create a special state fund to financially support projects for the development of the national and cultural identity of national minorities.
  - Specific treatment of the initiatives and projects for the Roma minority, strengthening of efforts to achieve effective social equality of the members of this minority, preserving their physical and mental dignity, especially of the Roma women, education of children and the prevention of forms of trafficking, etc.
  - The legislative framework for media needs changes and improvements in terms of ensuring production and broadcasting programs in minority languages and for the minorities.

223. Among the conclusions and recommendations of the Interagency Working Group, on the functioning of the State Committee on Minorities the following are identified:

- Minority associations, civil society and the State Committee on Minorities itself have repeatedly raised the necessity for restructuring and redefining the competencies of the Committee. From the consultation with the Committee itself and the suggestions of the minority associations and the civil society it turns out as a necessity to change the existing DCM for its operation to address the issues;
- Need for competencies and additional funding compared to the levels predicted in no. 127, dated 11.03.2004 "On the establishment of the State Committee on Minorities", mainly in the context of promoting minorities and their rights;
- Opening of representative offices of the committee in to those local units where the minorities are in a substantial number of the population;
- Lack of broad, comprehensive representation and in dynamics of the associations;
- Election of minority representatives to the Committee does not ensure the consensus and support of the associations. Their election is not considered as an expression of internal democracy and so far has not reflected the evolution of the situation of the associations on the ground;
- Need to review the legislative framework for the functioning of the State Committee on Minorities.

224. As stated above, the draft law "On the protection of minority rights", will provide the institutional mechanisms responsible for the minority issues, with specific competencies, and to ensure the strengthening of dialogue with the minority associations.

### **Political participation: electoral process and representation**

225. Article 45 of the Constitution guarantees the right to elect and be elected of every citizen. This is a right that is guaranteed equally to all Albanian citizens including Albanian citizens belonging to the national minorities. In this context, they are free to join a political party, and create political parties themselves, in exercising the rights and freedoms recognized by the Constitution. Based on this provision, the national minorities have the right to elect and be elected, being an active part of political life in the country. Each person is free to establish a political party, as well as be a member of a particular political party, if it has the same idea, belief or legal interests, which finds support in Article 1 of Law no. 8580, dated 17.2.2000 "On political parties", as amended. Although it does not specifically provide provisions concerning national minorities, it provides a definition on political parties, which are "voluntary unions of citizens on the basis of ideas, beliefs and views or policy of common interests who aim to influence the life of the country through participation in elections and representation of the people in elected bodies of power". This law does not preclude the creation of parties from the national minorities, suffice it meets the conditions provided by the law for their creation.

226. The Electoral Code of the Republic of Albania (Article 7/4) guarantees that every citizen, who has reached the age of 18, even on the election day, regardless of race, ethnicity, gender, language, political opinion, religion, physical ability or economic condition, has the right to elect and be elected, in accordance with the rules provided in this Code. (Article 3/3 of the Electoral Code, as amended). The Albanian citizens who meet the conditions provided in this Code (Article 63), whether they belong to a particular national minority or not, have the right to elect and be elected. Also, in the nomination documents (Article 72), the candidates do not declare their ethnicity and in these conditions, there are no statistics on how many candidates are from the minorities and how many of them are chosen. Article 165 of the Electoral Code establishes the system of local elections, according to which mayors and municipal councils are elected directly by the voters residing in the territory of the municipality or commune. Their members are elected on the basis of multi-name lists submitted by the political parties, coalitions, or candidacies proposed by the voters. Registered political parties as coalition with the CEC represent only a joint candidate for mayor or commune.

227. Pursuant to its competence, as defined in Electoral Code (Article 21, paragraph 9), the Central Election Commission takes measures and organizes voter education programs for citizens, which implements special education and training programs for the national minorities. These specific programs aimed at promotion of electoral culture of the citizens of the national minorities through the provision of election information in the languages on the constitutional right to elect and be elected.

228. In order to guarantee the political, civil and social rights for the national minorities, electoral education campaigns were conceived with an approach closer to them. All promotional materials produced in Albanian, were produced in their respective languages. Specifically, the information, sensitizing, awareness raising posters and leaflets, with full information on the type of election, the voting hours and procedures, the importance and value of the vote, the importance of

participating in the voting, for actions prohibited in the election and activities prohibited in the polling stations were produced in the Macedonian, Greek, Aromanian, Montenegrin, Romani languages. Specifically, the information, sensitizing, awareness raising posters and leaflets, with full information on the type of election, the voting hours and voting procedures, the importance and value of the vote, the importance of participating in the polls, on actions prohibited in the elections and activities prohibited in the polling stations were produced in the Macedonian, Greek, Aromanian, Montenegrin, Romani languages.

**Representation of minorities in nomination for the general elections and local elections and the winning candidates belonging to minorities<sup>55</sup>.**

229. In the elections for the Parliament of Albania in 2013 multi-name lists were presented for all electoral constituencies from political parties representing national minorities: Human Rights Union Party (HRUP) Justice Integration, Unity Party (PJIU), MEGA, AMIE. According to final election results, the mandates for deputies to the Parliament of Albania were won by one candidate of HRUP and four of the PJIU.

230. The elections for the local government bodies in 2015: Municipalities where HRUP presented a multi name list (total 36 municipalities): Finiq; Fushë-Arrëz; Gjirokastra; Gramsh; Has; Himara; Kavaja; Këlcyra; Klos; Konispol; Korca; Kucova; Kukes; Kurbin; Lezha; Libohova; Librazhd; Malësi e Madhe; Mat; Mirdita; Patos; Përmet; Pogradec; Poliçan; Prrenjas; Puka; Roskovec, Saranda; Selenicë; Shkodra; Tirana; Tropoja; Vlora. The municipalities where HRUP has presented mayoral candidates: Dibër, Dropull, Finiq, Himare, Konispol. The municipalities where MEGA has presented multi name lists: Dropull, Finiq, Konispol, Saranda. The municipalities where MEGA has presented mayoral candidates: Dropull, Finiq. The municipalities where AMIE has presented multi name lists: Belsh, Berat, Bulqiza, Devoll, Elbasan, Kavaja, Korça, Kuçovë, Lushnje, Maliq, Pogradec, Prrenjas, Pustec, Shijak, Tiranë, Ura Vajgurore.

231. Mandates for representation in the Municipal Council have been won by:

- HRUP: Konsispol (one mandate), Mirditë (one mandatw), Sarandë (one mandate), Dropull (three mandates), Himarë (four mandates), Finiq (six mandates).
- MEGA: Dropull (one mandate), Sarandë (one mandate), Pustec (seven mandates).
- AMIE: Progradec (one mandate), Maliq (one mandate), Pustec (seven mandates).
- The mandate of Mayor Finiq was won by the MEGA candidate, while the mandate of the Mayor of Pustec Municipality was won by the candidate of the coalition "Alliance for European Albania", who is the Chairman of the AMIE Party.

232. In the conditions when the Electoral Code defines exhaustingly data that should be contained in the nomination documents, which do not comprise the obligation for having data on ethnicity, the Central Election Commission does not have any data on candidates or people with mandate belonging to national minorities.

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<sup>55</sup> Information submitted by the Central Election Commission



## **Civil Service**

233. The Law no. 152/2013 "On the civil servant" and by-laws for its implementation aim at establishing a stable professional, merit-based, civil service, with moral integrity and political impartiality. Principles of admission to the civil service are 1. Admission to the civil service is based on principles of equal opportunities, merit, professional skills and non-discrimination and it is carried out through a transparent and fair selection process. 2. The selection procedure is based on the evaluation of the candidates' professional skills through a national competition, which includes a written test, an oral test and any other appropriate forms of verification of skills as well as evaluating the candidate's professional skills.

234. Regarding the general requirements for admission to the civil service the law stipulates that a candidate must meet the general requirements: a) to be an Albanian citizen; b) to have full capacity to act; c) to master the Albanian language, written and spoken; d) to be in health conditions that allow him to carry out the respective duties; dh) not to have been convicted by final judgment for committing a crime or committing a criminal offense intentionally; dh) no disciplinary measures has been taken against him to leave the civil service, which has not been extinguished by this law; e) to meet the special requirements for the level of education, experience and other specific requirements to the relative category, class, group and position.

## **Roma participation in the economic life**

235. As evidenced above the National Strategy for the Roma, as well as the National Plan for the Integration of Roma and Egyptians have provided concrete objectives and measures in the field of employment. Based on the Decision of the Council of Ministers (DCM) DCM No.27 dated 11.01.2012 "Program to promote employment for women and special groups" this program was applied for the first time in 2012 and from the financing from the social security at the extent of 16.7% for a period of 12 months and 4 months for 100% of the national minimum wage. In 2012, 36 female unemployed job seekers from special groups, including here the Roma community, were employed from this program. In 2012, a total of 8.703 people, of which 43% of the total women have received vocational training courses such as hairdressing, baby-sitting, cooking, sewing, tour operator, social operator, etc. The unemployed jobseekers and the Roma community have benefited vocational training free-of-charge. Facilities have been created by order No. 286 dated 16.12.2013 "On the tariffs of public vocational training system" for all unemployed job seekers registered with the employment offices, who want to pursue a profession otherwise vocational training is provided by the Regional Directorates of Public Vocational Training free-of-charge.

## **Article 16- Composition of Population**

### **Territorial Reform**

236. In the framework of the Territorial Reform, despite the lack of international practice or specific legislative framework it was aimed not to affect negatively the local government units, which in their composition have a substantial number of the population from the ethnic minorities. The application of the criteria and union with the other units of local government have:

- Positive impact (increased functionality, economy of scale in public services, increasing the quality of services, integration in the respective societies as modern concept already applied in the European Union);

237. After meetings with representatives of the national minorities, the Minister of State for Local Government proposed to the Parliamentary Commission not to apply automatically the criteria in those local government units where the minorities constitute the majority of the population, but to apply them where it was possible without causing a negative impact. Therefore in all the proposed variants for the new division, the local government units regarding the minorities results as follows:

- Gjirokastra County, Municipality of Dropull;
- Korce County: Municipality of Pustec;
- Vlora County: Municipality of Finiq.

The new administrative division maintained the current demographic configuration of the local units where the majority of the population belongs to the minorities. These 3 new LGUs, composed in majority of residents representatives of the minorities, have the same functions, powers and funding as all other local government units in the Republic of Albania.

238. The Ad Hoc Committee for the Territorial Reform<sup>56</sup> has made an exception for the national minorities, excluding them from the union with the local government units with majority Albanian population, those local government units that have a majority of ethnic minorities. This approach was positive in relation with the of minority rights in Albania. Across the country there was a merger of all local government units, except for the cases of the units with an absolute minority population, who have had a preferential treatment compared to units with Albanian national population, setting a very positive standard in this regard also to other countries.

239. In this context, the local government units identified as units composed absolutely by minority representing residents, even in those cases when in their composition there were citizen residents of Albanian nationality, are not associated with other local government units where the majority of the population is of Albanian nationality, but are left to stand on their own or are united with other local units with absolute majority of the population from the same ethnic minority. The exemption from the general rule has guaranteed that the ethnic minorities do not lose the political representation at the local level in those local government units where they account for the absolute majority of the population. Three new municipalities have been created based on this criterion, as: Pustec Municipality (macedonian minority), Dropull Municipality and Finiq Municipality (greek minority). For all other units of local government the criterion of functional areas has been applied. This criterion is also applied to Himara Municipality, that with the new territorial division has comprised also the former commune of Lukova and the commune of Hore-Vranishti. In this context Himara municipality is treated like all other municipalities in Albania, including those municipalities, which have in their territories persons belonging to minorities (e.g. Tirana, Shkodra, Saranda etc.)

240. The mayor of Himara has expressed himself positively for the union with the Lukova commune and the Hore-Vranisht commune with an official document. Likewise, a national survey on the territorial reform organized by the non-profit organization IDRA and funded with the support of the STAR project (managed by UNDP), 64% of the population of the municipality of Himara was in favour of this union. In the context of public discussions an open meeting was conducted with the residents and civil society of the municipality of Himare, where the Minister of

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<sup>56</sup> Approved by Decision No. 3 dated 28.04.2014.

Local Affairs participated personally. He introduced the territorial reform and collected the opinions of the representatives of the community.

241. In the case of Himara Municipality, (just like in any other local unit) public information and consultation, including the obtaining of the opinion of the elected bodies of local government, the civil society and the local community, has been ensured in accordance with the Constitution of the Republic of Albania, the European Charter of Local Autonomy and the legislation applicable. On the other hand, in the local elections of 21 June 2015, for Himara Municipality, the HRUP party, a party that defends the interests of the minorities, has introduced its candidate accepting thereby de-facto the new territorial division Himara Municipality.

242. The Territorial Reform on which the Constitutional Court has expressed its opinion (Decision of the Constitutional Court No. 19 dated 15.04.2015), guarantees and respects in the maximum the rights of the minorities by setting forth new standards in this field, while the rights of minorities contained by the Framework Convention of the Council of Europe are absolutely not affected by this reform.

## **Article 17 – International Cooperation**

### **International cooperation in the field of education**

243. The agreement between the Government of the Republic of Albania and the Republic of Greece on cooperation in the fields of education, science and culture ", signed on 11.4.1998, provides for the creation of the necessary conditions for teaching the native language and civilization to the persons belonging to the Greek minority (Article 1, paragraph f).

244. The program on Cultural Cooperation between the Government of the Republic of Albania and the Republic of Greece for 2003-2005 ", signed in Athens on April 3, 2003, provides for the teaching of the Albanian and Greek languages for the Greek national minority in Albania and for the Albanian children in Greece.

245. On July 2, 2015 the "Agreement between the Government of the Republic of Albania and the Government of the Republic of Macedonia for cooperation in education and science" was signed. Article 3 of the agreement provides for the cooperation between the parties with the aim of minority's instruction in the mother tongue in accordance with the domestic law, but taking into account the Framework Convention for the Protection of National Minorities.

### **International cooperation in the field of trafficking**

246. On the regional and international level, the Office of the National Coordinator for Combating Trafficking in Persons has been very active in order to strengthen and revitalize international cooperation against trafficking in persons. Since 2013, several meetings were held with representatives at the highest political level of the countries of strategic importance such as the UK, USA, Italy, France, etc., where the main topics of discussion were the common approach to modern slavery, voluntary return and reintegration of victims of trafficking, problems associated with unaccompanied children, as well as opportunities to institutionalize cooperation in these fields through cooperation agreements to intensify cooperation in the fight against trafficking in persons and for the identification, referral and assisted voluntary return of the victims of trafficking.

247. The Memorandum of Understanding between the United Kingdom and the Ministry of Interior "On intensification of cooperation in the fight against trafficking in human beings on improving the identification, referral and assisted voluntary return of the potential victims of the human trafficking".

248. On December 8, 2014, an additional protocol was signed with the Republic of Montenegro on "Intensifying Cooperation in the Fight against Trafficking in Persons and improvement of Identification, Referral and Voluntary Assisted Return of potential victims of Trafficking", in supplementing the Agreement between the Government of the Republic of Albania and the Republic of Montenegro for cooperation in the fight against organized crime, terrorism, illicit trafficking and other illegal activities, approved by DCM. 483, dated 16.07.2004;

249. In the framework of the signed agreements and protocols, the National Coordinator for Combating Trafficking in Persons, has held meetings with regional counterparts, such as that of Montenegro, Macedonia, Kosovo, Greece, and beyond the Balkan region, with counterparts from the destination countries like Italy, France, Switzerland and Belgium for further intensification of relations in the context of preventing and combating trafficking in persons.

**Annex 1. Information on the implementation of the projects in Albania (5 local units beneficiaries) in the framework of the Joint EU-CoE Project “Promoting human rights and minority protection on South East Europe”.**

**Local Unit- Municipality of DROPULL**

*Theme covered: Culture*

*Affected minorities: Greek*

**Main objective:** Providing knowledge and skills in the culture and history of the Greek Minority of Dropulli i Poshtëm. The proposed project will focus on enhancing the Greek cultural protection strategies, skills and opportunities for development of the area.

**Main activities:**

- Provide a training course to 15 young women on embroidery. The trainees will gain the necessary skills to produce the Dropulli i Poshtëm costume;
- Provide a training course on planning, accounting, pricing, retail sales to the 15 young women;
- Design of a webpage, which will serve as a vehicle to sell craft products to retail and commercial buyers;
- Organization of a Folk Festival where the Greek minority artists, especially young people from Dropulli i Poshtëm, Dropulli i Sipërm and Pogoni Communes, will be involved;
- Organization of a Regional Conference on Greek minority issues

**Expected results:**

- Transmission of handicrafts, such as embroidery of traditional Dropulli i Poshtëm costume from generation to generation;
- Involvement of many young people in the project activities increasing their interest in working and living there;
- Some of the trained young women will start their own business on producing the traditional costumes and enter the local and regional market;
- Increasing the knowledge on customs, traditions, cultural values, and heritage of the Greek minority living in this area through the organization of the Regional Conference, Folk Festival and webpage.

**FIER MUNICIPALITY**

*Theme covered: Effective participation*

*Affected minorities: Roma and Egyptians*

**Main objective:** Drafting and approval of an inclusive Local Action Plan for Minorities in the Municipality of Fier.

**Main activities:**

- Drafting of an inclusive Local Action Plan for Minorities;
- Collecting and processing data on the situation of Roma and Egyptian communities in Fier;
- Drafting the community profiles;
- 7 workshops/trainings on preparation and implementation of the action plan for the stakeholders in different sectors (such as education, social issues, health,

employment:

- Implementation of some activities foreseen in the Action plan/Building of the mini park in the Roma village (greenery and recreational area)

***Expected results:***

- Action plan approved;
- Improving the educational situation of the Roma and Egyptian communities in Fier Municipality;
- Roma and Egyptian empowerment through increased access to the labour market, training programs and social protection schemes;
- Improving sustainable health and living conditions of Roma and Egyptian communities:
- Improving sustainable housing and infrastructure conditions;
- Ensuring social inclusion and increased access for the Roma and Egyptian communities in the entire community;
- Preservation and promotion of cultural heritage of the Roma and Egyptian communities.

**PËRMET MUNICIPALITY**

*Theme covered: Effective participation*

*Affected minorities: Roma, Egyptians, Aromanian/Vllah*

***Main objective:*** To enhance minority (Egyptian, Greek, and Vlach) community participation in the public life and in decision-making of policies of their concern, and improve local service delivery for minority communities in the municipality of Përmet.

***Main activities:***

- Training of the minority communities, leaders of public institutions and CSOs in order to allow them to follow up and properly address the issues of discrimination;
- Support drafting and adoption of a Local Action Plan for Minority Integration and a designated budget for dealing with minority issues - this budget is specified as per the lines and objectives of the Local Action Plan;
- Creation of a Civil Commission on Minorities as an advisory body for the problems faced by minorities, as well as a Minority Coordinator that will coordinate and manage the problems faced by minority communities;

***Expected results:***

- Enhanced communication between the minority communities with the local government, and empowerment of the minority communities to express their needs;
- Municipality staff and Municipality Council trained on minorities' civil and human rights and relevant policies and mechanisms to promote and enforce such rights;
- Service delivery for minority communities improved;
- Influence and participation of minorities in the local administration decision-making process increased.

**RRETHINA (Local Unit in Shkodra Municipality)**

*Theme covered: Media/Culture*

*Affected minorities: Montenegrins*

**Main objective:** To support and promote the minority rights, language, traditions and culture of Montenegrins living in Rrethina Commune.

**Main activities:**

Activities related to effective representation and participation in the decision-making process:

- Support of local minority organizations on facilitating the consultation of the minority with the local government;
- Promotion of the FCNM throughout the minority population in the form of public meetings and publications through existing minority representing non-governmental organizations.
- Activities related to the use of own language and education:
- Organize intensive courses of Montenegrin language for all children in the Commune;
- Organize creativity competitions in own language. Activities related to the promotion of the culture and traditions:
- Organize a fair to promote the products, cuisine, costumes, history, symbols and photographs;
- Produce a documentary on the life and history of the Montenegrin population in Rrethina;
- Produce TV chronicles to promote the launch and the progress of the project in the local media.

**Expected results:**

- Strengthened role of the local minority representing NGOs functioning as a body of representation and as a facilitator of dialogue, acknowledged by the Commune and visible to the National State Committee on Minorities;
- Increased knowledge of the minority rights sanctioned in the FCNM;
- Increased knowledge of own language among young generation;
- Better perception of the values of the minority among the whole population;
- Increased collective identity with potential improved results in self- declaration;

**SHIJAK MUNICIPALITY**

*Theme covered: Education/Non-discrimination*

*Affected minorities: Bosnian community*

**Main objective:** Promoting human rights and the protection of Bosnian community through offering opportunities of developing multi-cultural, educational and participatory practices in the Municipality of Shijak

**Main activities:**

- Reconstruction of the premises of the Multi-Functional Center at the Palace of Culture Equipment of the Multi-Functional Center with needed furniture and library books;
- Kick-off event introducing the project to all relevant stakeholders;
- Design of the Center Operational Plan and preparation of language courses curricula in Bosnian language;

- Cultural activities fostering minority traditions and cultural heritage;
- Organisation of 5 activities “One City – One history” and discussion on the cultural heritage of the Bosnian cities following the display of CDs obtained from Bosnia and selected literature;
- Formal and non-formal educational activities;
- Advocacy activities (meetings with the Directorate of Education and School Directorate) for conducting of the classes in the Bosnian language at elementary school;
- Conducting Bosnian language courses for children belonging to the Bosnian community;
- Assisting in the organization of 2 extracurricular hours addressing multi-cultural themes in the elementary schools;
- Organizing 1 training with community leaders and in cooperation with Zambaku Association on “Benefits and Challenges of the Legal Recognition of the Bosnian Community as a National Minority”;
- Organizing 1 workshop on follow up actions;
- Encouraging local participatory decision making practices;
- Inviting Bosnian community leaders to participate in the Citizen Observatory and follow the municipality council meetings;
- Translation and publication of the decisions of the Municipality Council in both Albanian and Bosnian language.

***Expected results:***

- Establishment of a multifunctional center for the community offering cultural events and promoting Bosnian heritage in the Municipality of Shijak
- Enhanced skills in Bosnian language through formal and non-formal educational mechanisms and training;
- Resources to promote the fight against discrimination;
- Increased access of citizens of Bosnian community in the local decision-making process.

**Annex 2: Results Recommendations from the Policy Meeting, Permet, Albania, 9th of September 2016<sup>1</sup>.**

The main topics discussed during the meeting were: (i) recommendations of the CoE monitoring structures and of the EU progress report on the issue of minority rights in Albania (ii) the situation with the legal and policy framework and how were they were reflected at the local level so that they could enhance effective participation of minorities in the social, economic and political life, their education in the minorities language, preservation of culture and employment generation so that young generation and (iii) the need for awareness raising of minorities to be part of policy making process.

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<sup>1</sup> The Policy meeting in Përmet, Albania was organized in the framework of the Joint EU-CoE “Project Promoting human rights and minority protection on South East Europe”. The aim of this policy meeting was to prepare a set of recommendations which will further support central level governments to address minority protection issues on a more systematic level.



The small projects were of a symbolic budget, nevertheless it should be noted the positive and concrete results that they achieved to reach, such as in preserving national languages i.e. in Rrethinat and Shijak municipality, in providing embroidery trainings coupled with accounting lessons for running their own business for young girls and women in Dropull municipality, or investing in equipment for kinder gardens (Fier and Prmet municipality), schools (Rrethinat) and multicultural centre (Shijak). These interventions did improve issues faced by these minorities, such as language and culture preservation, as well as improved skills of young people to start their own business on producing the traditional costumes and how to enter the local and regional market.

The short-term impacts of the small grants relate mainly to the awareness raising, increased cooperation among the staff of municipalities, the staff of de-concentrated institutions at the local level and minority representatives, tangible interventions that support the minorities to preserve their culture, language, better knowledge how to run a business etc.

The long-term implications of these results relate mainly to the tools that these small grants have provided to minorities living in these municipalities, in order to ensure to them increased access in the local decision-making process, preserving their culture through being entrepreneurs, preserving their language through books and equipment, etc. Nevertheless, minorities' willingness to continue fighting for their rights will be key to the sustainability of these interventions.

Results of the small grants projects do relate closely to other adjacent local government unit, mainly because they were implemented during the implementation of the territorial reform. The projects have become part of bigger administrative units, as was the case in Dropull and Rrethinat. This has helped the extended municipalities and their staff to become part of these projects. At a larger scale organisation of "Open Days" event provides municipalities' staff a forum where to discuss and exchange ideas how to better deal with this issue.

**Compliance of the Small Project Results with the last findings of the Framework Convention for protection of National Minorities (FCNM):**

The small municipal projects focused on central areas of the FCNM including, but not limited to, education (Articles 12 and 14), cultural heritage (Articles 5 and 6) and participation in public life (Articles 6 and 15).

The Advisory Committee Opinion on Albania and the Committee of Minister's Resolutions recommended Albania to take several measures to improve further the implementation of the Framework Convention. The small project results and their activities have facilitated the implementation of FCNM on the ground. They encouraged and promoted conditions for maintaining minorities culture (Rrethina, Dropull, Shijak); ensured social inclusion and increased access of Roma and Egyptian communities in entire community in Fieri and Permet municipalities; created the conditions necessary for the effective participation of persons belonging to national minorities in public affairs (Shijak, Permet) as well as fostered knowledge of and right to learn his or her minority language (Shijak and Rrethina). In this way, the implemented projects at the local levels created synergy effects that contribute to increased compliance of Albania with the FCMN.

### **Main strategic/legislative and institutional framework dealing with minorities in beneficiary**

Albania still lacks a comprehensive single law on national minorities. There is an extensive list of primary and secondary legislation which does cover the issue of protection of minority rights in different areas of political, social and economic life. The Ministry of Foreign Affairs has taken the lead to set up an inter-ministerial working group to address this issue. The draft-law is in the consultation process.

The recent developments, mainly the new territorial and administrative reform and the changes in the Law “On the Organization and Functioning of Local Government”, provide more possibilities of structured cooperation between the central and local government. The increased responsibilities of the local governments, have not been accompanied by the necessary amendments to the existing legal framework, to better implement their competences. The issue of minority rights protection is indirectly affected by this situation especially in the area of education and social housing.

In the policy framework, last year finalisation of the “National Action Plan for Integration of Roma and Egyptians 2016-2020”, approved by DCM No. 1072, dated 23.12.2015, of the “National Crosscutting Strategy for Decentralization and Local Governance (NCSDLG) 2015-2020”, approved by DCM No. 691, dated 29.07.2015 and recently of the “Social Inclusion Policy Paper 2016-2020”, approved by DCM No. 87, dated 3.02.2016 provide a more structured policy framework where cooperation with the local level is considered thoroughly and preparation of local plans for Roma and Egyptians is recommended

The institutional framework for addressing minority issues at the central governmental level are the State Committee on Minorities, Ministry of Foreign Affairs, Minister of State for Local Issues as well as the de-concentrated structures of line ministries which have shared functions with the local governmental level (municipalities) in education system, social services, primary health and protection of civil order and security. The Office of the Commissioner for Protection from Discrimination and Office of the People's Advocate, are independent institutions which oversee the protection of human rights, including minority ones.

### **Compliance of the Small Project Results with the minority policies in beneficiary**

As mentioned during the meeting, Albania lacks a comprehensive single law on minorities, and the protection of minority rights is ensured by an extensive list of primary and secondary legislation. Nevertheless, project results have ensured further compliance with the existing legal framework and have even identified issues where the need for further improvement of the existing legal framework is needed, such as in the education and social housing areas. Almost, all of the small grant projects have had activities which aimed at increasing of knowledge, information on their rights, as well as on their access of to social and health care services.

The Plans for Territorial Development of (new) Municipalities are under development, and a key element in the preparation of these plans is the participative approach. This approach has been very present throughout all projects' activities. Additionally, the national policy framework - National Action Plan for Integration of Roma and Egyptians 2016-2020 – its methodology and recommendations have been closely followed and mirrored while preparing the Local Action Plan for Roma and Egyptians in the municipality of Fier.

**Policy Recommendations** The steps required to implement the recommendations, and the resources needed are as follows:

- finalise and adopt the law on minorities, to facilitate the monitoring of the effectiveness of the measures taken by the Albanian government to protect minority rights in line with CoE monitoring structures recommendations;
- further support municipalities to implement their increased competences through the necessary revisions of the existing legal framework so that they can ensure proper protection of minorities' rights especially in the areas of social housing, health, education and employment;
- invite to comment and consult with those municipalities where minorities live, the Country Report submitted to CoE monitoring structures;
- continue with awareness-raising programs for the municipalities' staff, general public and specific groups, such as law enforcement officials, on human rights, including the rights of persons belonging to national minorities;
- provide for awareness raising of minorities' NGOs to serve as "watch dogs" of their rights implementation monitoring;
- take a strategic approach in providing capacity building activities that raise capacities of the municipalities staff by preparation of national curricula and hands on trainings especially on:
  - the overall project cycle management, project' budgeting and implementation related issues such as narrative and financial reports' preparation;
  - increasing the civic engagement and involvement of minority representatives in public-decision making at the local level;
- further promote the presence and cultural heritage of minorities in the country by organising an annual event for the promotion of minorities in one of the municipalities where minorities live.

Improved legal framework would make involved institutions, as well as municipalities, better and easier accessible institutions for minorities. Capacity building measures taken at the central level can ensure a "strategic approach" through a wider programme aiming at capacity building of municipalities' capacities; such a programme can be easily replicated in those municipalities that have minorities. Making municipalities partners in preparing the Country Reports would make them more responsible for the people they represent and would make them more pragmatists when it comes to protection of minority rights in their boundaries.

Most of the above recommendations can be easily endorsed and implemented if there is willingness to cooperate and avoid overlapping. Donor supported projects in these areas, and their planned training activities can become part of such a programme and can ensure a longer sustainability of prepared and delivered trainings.

#### **Recommendations for the relevant institutions in the beneficiary**

The main recommendations that best support the main Projects' results are:

- involve and consult municipalities with minority communities when preparing the Country Report
- organise an annual event for the promotion of minorities in one of the municipalities where minorities live
- when possible lobby and use the good results of small grant projects to pull further funding for similar initiatives

- training on awareness raising and capacity building of local government institutions on minority rights
- provide the necessary support to municipalities to implement their increased competences through
  - pushing for the necessary revisions of the existing legal framework so that they can ensure proper protection of minorities' rights especially in the areas of social housing, health, education and employment;
  - provision of capacity building activities on their functions and competences
- run a training needs assessment on the need for capacity building in the minority area – this can be included as part of any running need assessment for the local government trainings

### **Annex 3 - Additional information from independent institutions, Ombudsman**

The Ombudsman's Institution notes that the drops out of school, its irregular attendance, as well as of the creation of a non-judgmental and accepting environment for them at school remain a problem for the Roma children. With regard to the situation of Egyptian and Roma children, who study in the 9-year public school "Naim Frasheri", Korca, and of the Roma children, who attend the subsidiary school "Avdyl Avdia" Morava, Berat, following an administrative investigation of these complaints, there was noted that the majority of students are from the Egyptian and Roma communities. From 322 students in this school, 223 are Egyptian students and 57 Roma students (280 in total). The Ombudsman has sent a recommendation to the Ministry of Education and Sports, demanding:

- Proactive and long-term commitment from educational institutions at all levels, both central and local, in order to eliminate physical segregation of the Roma and Egyptian children from non-Roma and non-Egyptian ones.
- Revision of educational policies and continuous monitoring in order to exclude opportunities for segregation of this community in the future, and to prohibit racial segregation due to domestic legislation.
- Monitoring of achievements of the Roma children at school and providing academic support for those students who lag behind.
- Establishment of a central mechanism by the Ministry of Education and Sports in order to monitor the implementation of desegregation measures in all schools of the country.

In connection with the situation in the subsidiary school "Avdyl Avdia" in which only Roma students study, a school which is under the dependency of the 9-year school "Shaban Sollaku" Morava, Berat<sup>2</sup>, the Ombudsman has recommended to the Ministry of Education and Sports the following:

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<sup>2</sup> In the subsidiary school "Avdyl Avdia", students learn in two combined classes, with students from class I-V. 45 Roma students in total (more than 20 students) are learning in this school. One of the classes is attended by students of classes II, IV. The other combined class has graders I, III and V. Upon completion of the fifth grade in the subsidiary school, the Roma students can continue their studies in the sixth grade up to the ninth grade, in the 9 year central school "Shaban Sollaku" Morava. This subsidiary school consists of 100% Roma pupils, constituting a clear example of segregation. Given that Stan neighborhood is at a distance less than 2 km away from the central school, free transportation is not provided. Although, the area in which the school has been set up, has 2-3 non-Roma families, who have children studying from first grade to fifth grade, they do not attend the subsidiary school where all students are Roma. The children of the non Roma families are enrolled in other schools, which offer higher standards of education and others.

- Adoption of effective desegregation measures and short-term and long term plans for the desegregation of the segregated schools for the Roma and Egyptian children in the Stan neighborhood, Morava, Berat.
- Ensuring free transportation to transport the students of the "Avdyl Avdia" school to the main school, as well as a community mediator, that would accompany the students.

These recommendations prepared on the basis of the findings and conditions noted in the "Naim Frashëri" and "Avdyl Avdia" schools in Korca, aim at adopting measures and encouraging the development of strategies of desegregation for an all-inclusive, equal and qualitative education by the organs of the public administration at the central and local government level.

#### **Annex 4 – Additional information provided by Commissioner for Protection from Discrimination**

The Roma and Egyptian communities face numerous problems related to:

- **Poverty**, which is still present and at high levels, especially for the Roma. One of its indicators is the monthly household income of this community. Thus, referring to the Census of Population, "Roma Population and Housing in Albania", that: "According to self-declarations of the monthly household income it appears to be quite low compared with the minimum wage, which in 2014 resulted to be 19,000 ALL/per month. Thus about 48% of Roma households reported that they have less than 10,000 ALL monthly income followed by 35% of the households reporting less than 20,000 ALL of monthly income. The results indicate that less than 1% of Roma households declare incomes up to 50,000 ALL per month ".<sup>3</sup>
- **Health status** of the Roma and Egyptians, is much lower than that of the majority of population, which is reflected in their relatively lower longevity. The causes of this inadequate health status are associated with poverty, the poor living conditions and lack of basic infrastructure, limited access to health services, low educational level and several forms of discrimination<sup>4</sup>. However, these studies show that only 58% of Roma and 76% of Egyptians said they had health care cards and received services at the health center.
- **Economic Assistance**, unemployment benefits, pensions for orphans, which are insufficient to meet the family needs of the representatives of the Roma minority. The new scoring system is coupled with complaints from representatives of this community for exemption in benefiting economic assistance. A number of members of the Roma community does not benefit from the economic assistance scheme or lose it because of a lack of permanent dwelling. The Roma and Egyptians work in the informal labor market, so they can not benefit from the social security schemes. With the amendments to the social security legislation, Law no. 7703 dated 11.5.1993 "On social insurances in the Republic of Albania" by law no. 104 dated 31.07.2014, a social pension is predicted, but its benefiting starts at the age of 70, for all elderly residing in Albania during the last 5 years, who do not meet the conditions required to benefit a pension.

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<sup>3</sup> For more about the census and methodology see: Open Society Foundation for Albania, Census 2014 Roma Population and Housing in Albania. Valid in [www.osfa.al](http://www.osfa.al)

<sup>4</sup> Open Society Foundation for Albania, Census 2014 Roma Population and Housing in Albania. Valid in [www.osfa.al](http://www.osfa.al)

- **Housing**, a matter still unresolved, which has forced the Roma community to find alternative solutions by "self-settling", which follows the creation of informality, often encouraged by the lack of response of the authorities that leaves them in this situation of informality for a long time. This situation combined with an inadequate legislative framework to accommodate this part of society has brought about its discrimination. The eviction from the settlements without offering suitable housing opportunities and the lack of legal arrangements concerning the provision of suitable accommodation before eviction, raise questions of discrimination against members of this community and failure to meet the international standards. Many Roma and Egyptians are unable to benefit from social housing programs. Living in bad good housing conditions and poor infrastructure adds to their isolation from the rest of society and plays a stumbling role in the education of their children<sup>5</sup>. Even the Progress Report 2014 on Albania emphasizes that "no viable long-term solution to the housing of these displaced persons has been identified yet. The new law on property legalization was approved in May without prior consultation with the interest groups, and has increased the risk of further evictions of the Roma families from their informal settlements, which is of special concern".
- **Access to public services**, which arise from the eligibility criteria that they cannot meet due to lack of information or lack of understanding of administrative procedures, as well as due to continuous stigma and discrimination from the rest of the population.
- **Free legal assistance or free counseling**, which will draw nearer the members of the Egyptian community and the Roma in particular, towards information and awareness about their rights. Although the law no. 10039 dated 22.12.2008, "On Legal Aid", as amended, and its implementing provisions have provided the opportunity to benefit for the individuals proving that they are included or qualify for inclusion in the social protection programs, they are victims of violence or victims of the phenomenon of human trafficking, issues related to litigation, there is no data on the number of members of the Roma and Egyptian communities that have benefited free legal assistance from the State Commission for Legal Aid. The lack of information regarding the opportunities offered by the legislation for benefiting free legal aid and other barriers related to the fulfillment of the necessary documentation for application has brought about barriers to the enjoyment of this right by members of the Roma and Egyptian communities. Establishment of local offices for providing free legal services will enable the increase of the number of beneficiaries from the Roma and Egyptian communities from these services, not only in Tirana but also in districts.
- **Education**, which becomes difficult because of the distance of schools from the settlement, the lack of coverage in practice of free transportation for Roma pupils when schools are more than 2 km away from their home, the stereotypes that the Roma girls marry at an early age, poverty in the family are some of the problems the Roma and Egyptian children are faced with. Although the decision of the Council of Ministers no. 709 dated 10.05.2011 "*For the use of public funds for the transportation of teachers and students who work and learn outside the place of residence*" institutes the obligation of covering the costs for the transportation of students for a distance of over 2 km, in practice it turns out that the distance of the school from the settlement is another reason which impedes the education of

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<sup>5</sup> Survey to assess the needs of Roma and Egyptian communities in Albania. Tirana 2012 This study is prepared with financial support of the "One UN" program".

children. Such a thing is emphasized by 18% of the Roma parents and 8% of the Egyptian ones<sup>6</sup>. Law No. 69, dated 29.6.2012 “*On pre-university education system*” aims to establish comprehensive standards in pre-university education, but meeting these standards leaves much to be desired. Special temporary measures have been undertaken by the Albanian Government as the exclusion of Roma children from the payment of the guarantee deposit<sup>7</sup>, from the payment of the boards of the Roma parents across the country, in connection with the selection criteria and registration of the Roma candidates in the first cycle study programs, full-time, in the undergraduate professional study programs, in the integrated second cycle studies in public institutions of higher education (2014-2015).

Some positive measures aiming at promoting the education of minority children have resulted in the creation of segregated situations, as in Korca and Berat.

The number of Roma beneficiaries of free books has been expanded, but often the delayed implementation is an obstacle for them. There is a particular instruction that allows the enrollment of the Roma and Egyptian children even without identification documents. However, there are cases that complaints have been filed with the Commissioner. They have been settled by mediation.

### **1. Legislative recommendations in order to improve the situation of Roma**

During his activity, **the Commissioner has addressed a series of legislative recommendations:**

- “On some additions and amendments to Law no. 7961, dated 12.07.1995 "The Labor Code of the Republic of Albania" amended "(by letter No. 360 Prot, dated 14.09.2012), has recommended the following changes:
  - In the definition that the Labor Code makes to discrimination it is proposed to increase the causes of discrimination in accordance with the Law "On Protection from Discrimination”.
  - Other forms of discrimination should be added as "Instruction to discriminate"; "Annoyance"; "Victimization"; "Discrimination because of association"; and "Denial of reasonable accommodation". Likewise, other forms of discrimination as provided by the law for protection from discrimination should be added or referred to this law”.
- The Commissioner has made several recommendations regarding the Law "The Administrative Procedure Code of the Republic of Albania" for adding a special article, where the principles of equality and non-discrimination should be formulated as important principles that must guide the actions of each public body or private entity that exercises public functions. The causes protected from discrimination should be consistent with the provisions of article 1 of Law no. 10 221, dated 04.02.2010 "*On protection from discrimination*".
  - In the framework of the European integration and harmonization of legislation with the *acquis communautaire* regarding the burden of proof it is required that in cases where an application filed before public bodies, but not only (private entities in the field of employment, private entities that provide goods and services to the public) has to do with the violation of the principle of equality, it is required that

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<sup>6</sup> Survey to assess the needs of Roma and Egyptian communities in Albania. Tirana 2012 This study is prepared with financial support of the "One UN" program.

<sup>7</sup> Instruction no. 21 / 08.08.2014 "*To increase preschool attendance by the Roma children*"

the burden of proof is shifted. It has been proposed: the addition of an article to regulate the burden of proof in discrimination cases.

- The Commissioner, has sent recommendations on adoption of measures to combat discrimination in relation with the right to education at the start of the school year 2014-2015 in pre-university education system”, and has raised issues of enrollment, distribution and access to education, with regard to the Roma and Egyptian children. In relation to child labor the number of children (mainly Roma) who work or beg on the street and who are subject to the worst forms of exploitation and extreme marginalization remains very high.
- The Commissioner has sent to all the Regional Education Directorates the recommendation on taking measures for improving the situation of the Roma, regarding the right to education in the pre- university system. Concretely, the Commissioner has recommended:
  - The effective implementation from the Regional Education Directorates of the Instruction of the Minister of Education No. 6, dated 29.03.2006 *"On registration in schools of Roma pupils who are not equipped with a birth certificate"*, in close collaboration with the basic units of local government, to facilitate the registration of Roma children for the 2013-2014 school year, at the local units where they live regardless of whether they are enrolled in the civil register. Failure to register in civil registry offices of Roma families makes it impossible for them at the moment of registration to meet the requirement of submitting a birth certificate. Such a shortage brings about indirect exclusion of the Roma children from the right to be educated.
  - In meeting the obligations arising from the National Action Plan of the Decade of Roma Inclusion, 2010-2015, the Regional Education Directorates implement and monitor all the measures stipulated for the provision of free textbooks and school equipments for Roma children to attend the obligatory education.
  - The Regional Education Directorates should take care and adopt appropriate measures to prevent segregation of the Roma children in certain areas, schools or classes.
  - The Regional Education Directorates in compliance with the obligations arising from the National Action Plan of Decade of Roma Inclusion, 2010-2015, should implement and monitor all measures designed to identify the number of Roma children at all levels of pre- university education system, according to the distance from the residential neighborhood to school and make proposals to the bodies responsible for providing free transportation for these children.
  - The Regional Education Directorates should implement with priority for the Roma community the instructions of the Minister of Education and Science no. 29, dated 02.08.2013 *"On the procedures of attending basic education part-time"* and the instruction no. 31, dated 02.08.2013, *"On attending basic education for students who have not attended at least two classes of basic education."*
  - In the context of improving the situation of Roma in education, on 06.09.2013 the Commissioner has issued a recommendation to the Ministry of Finance and the Ministry of Education to take urgent measures for the adoption of a common instruction between the Minister of Education and Science and the Minister of Finance to provide compensation for the price of textbooks for the 2013-2014 school year in pre-university education.



#### **4. Other recommendations in the context of improving the situation of minorities in the field of education**

Under the project entitled "On protection and promotion of the rights of persons discriminated", the Albanian Helsinki Committee (AHC) in partnership with the Commissioner for Protection from Discrimination, financially supported by the Swiss Cooperation Office in Tirana held information sessions, Open day and meetings with NGOs in order to raise awareness on the law "On protection from discrimination" and its full implementation by all stakeholders defined in law. In the Open Days, the Commissioner for Protection from Discrimination and AHC have identified the problems of communities, based on which, the CPD has sent to the responsible central and local authorities recommendations for improving the situation of vulnerable groups:

- The recommendation of CPD sent to the Regional Education Directorate, Lezha, a recommendation to bring to attention the Instruction of the Minister of Education No. 29 dated 02.08.2013 "On on the procedures of attending the basic education part-time", the fulfillment of the obligations arising from the Law "On pre-university education system in R.A." and to implement the obligations deriving from Law 10221/2010 "On the Protection from Discrimination".
- In 2013 the Commissioner for Protection from Discrimination reviewed the request of the Most Association, on the request of 45 parents of the Trebisht commune of Golloborda, requesting that their children be instructed in Macedonian. After performing verifications the Commissioner has sent a recommendation to the Bulqizë Education Office, to make verifications and evaluations regarding the meeting of the general criteria for the functioning of the schooling units and submit the request of the pupils' parents to the competent bodies.
- On 05.09.2013 the Commissioner has sent to all Regional Education Directorates of R.A. a recommendation on the adoption of measures to combat discrimination in relation to the right to education at the start of the 2013-2014 school year in the Pre-university Education. Regarding the improvement of the situation of the Roma, the Commissioner has recommended:
- The efficient implementation by the Regional Education Directorates of the Instruction of the Ministry of Education No. 6, dated 29.03.2006 "On the enrollment to school of the Roma pupils that are not equipped with a birth certificate", in close collaboration with the basic units of local government, to facilitate the registration of Roma children for the 2013-2014 school year, near the local units where they live regardless of whether they are enrolled in the civil status registry office. Failure of the Roma families to register in the civil registry offices makes it impossible for them, at the moment of registration at school, to meet the requirement of presenting a birth certificate. This lack brings about indirectly the exclusion of the Roma children from the right to education.
- The Regional Education Directorates should implement and monitor all the measures stipulated for provision of free textbooks and school equipments for the Roma children to attend compulsory education. The Regional Education Directorates should take care and appropriate measures to avoid separation and segregation of Roma children in certain areas, schools or classes.
- In compliance with the obligations arising from the National Action Plan of Decade of Roma Inclusion, 2010-2015, the Regional Education Directorates should implement and monitor all measures designed to identify the number of Roma children at all levels of pre- university education system, according to the distance of the residential neighbourhood with the school and make proposals to the bodies responsible for providing free transportation for these children.

- Many Roma children might be in the situation where these children have not attended at least two classes of basic education. The situation of dropouts by the Roma pupils is quite widespread. In order to guarantee the right of Roma children and young people to have equal access, the Regional Education Directorates should also implement with priority for the Roma community the instructions of Minister of Education and Science no. 29 dated 02.08.2013 "On attending procedures of basic education part-time" and the instruction no. 31, dated 02.08.2013, "On the procedures of attending basic education for students who have not attended at least two classes of basic education".

**Annex 5. Data on minorities and geographical distribution (information submitted by the Ministry of Internal Affairs for the year 2014<sup>8</sup>).**

<b>Minorities</b>	<b>Municipality/ Commune</b>
Greek minority	<p><b>Gjirokastra</b></p> <ol style="list-style-type: none"> <li>1. Commune of Dropulli i Poshtëm- 9.520 inhabitants</li> <li>2. Commune of Pogon (6 villages) <ul style="list-style-type: none"> <li>• Polican - 729 inhabitants;</li> <li>• Skore - 492 inhabitants</li> <li>• Sopiku - 670 inhabitants,</li> <li>• Catista- 585 inhabitants</li> <li>• Hllomo - 410 inhabitants,</li> <li>• Selckë - 180 inhabitants</li> <li>• Mavrojer – 87 inhabitants</li> </ul> </li> <li>3. Commune of Çarshova (2 villages) <ul style="list-style-type: none"> <li>• Vllapsillotera 245 inhabitants</li> <li>• Biovizhda- 200 inhabitants</li> </ul> </li> </ol>
Greek minority	<p><b>Saranda</b></p> <ul style="list-style-type: none"> <li>• Municipality of Saranda- 7920 inhabitants</li> <li>• Municipality of Delvina -2300 inhabitants</li> <li>• Commune of Dhiver – 724 inhabitants</li> <li>• Commune of Livadhja -9500 inhabitants</li> <li>• Commune of Aliko – 8386 inhabitants</li> <li>• Commune of Mesopotam – 5688 inhabitants</li> <li>• Commune of Finiq – 5513 inhabitants</li> <li>• Commune of Ksamil - 4207 inhabitants</li> <li>• Commune of Xarë – 749 inhabitants</li> </ul>
Greek minority	<p><b>Vlora</b></p> <ol style="list-style-type: none"> <li>1. Municipality of Selenica – 100 inhabitants</li> <li>2. Commune Qendër Vlorë</li> </ol>

<sup>8</sup> Data provided Communes and Municipalities, former local administrative unit before the Territorial Reform, in Albania.

Greek minority	<ul style="list-style-type: none"> <li>• Village of Narta- 4200 inhabitants (greek language speakers, self identified as persons belonging to greek minority)</li> <li>• Village of Zvërnec - 920 inhabitants (greek language speakers, self identified as persons belonging to greek minority)</li> </ul>
Greek minority	<b>Fier</b> 1. Municipality of Patos- 100 inhabitants
Greek minority	<b>Durrës</b> 1. Commune of Rashbull- 30 inhabitants
Macedonian minority	2. Commune of Pustec (Korça) - 5316 - inhabitants 3. Commune of Rashbull (Durrës) - 180 inhabitants 4. Commune of Sukth (Durrës) – 150 inhabitants
Serbian minority	Commune of Libofsha Fier- 324 inhabitants
Aromanian/(Vlach) minority	<b>Vlora</b> 1. Municipality of Selenica - 4000 inhabitants 2. Commune of Qendër Vlorë <ul style="list-style-type: none"> <li>• Village of Zvërnec -400 inhabitants</li> <li>• Village of Bestrovë- 400 inhabitants</li> </ul>
Aromanian/(Vlach) minority	<b>DURRËS</b> 1. Municipality of Sukth -120 inhabitants
Aromanian/(Vlach) minority	<b>Saranda</b> 1. Commune of Xara – 200 inhabitants 2. Commune of Ksamil – 7 inhabitants
Roma and Egyptian community	<b>Elbasan</b> 1. Municipality of Elbasan <sup>9</sup> -2712 inhabitants 2. Municipality of Peqin- 340 inhabitants 3. Municipality of Cërrik- <ul style="list-style-type: none"> <li>• 447 Egyptian families</li> <li>• 24 Roma families</li> </ul> Total number of this communities- 1910 4. Municipality of Gramsh -338 persons belonging to Egyptian community

<sup>9</sup> The data provided by the local unit of Elbasan did not specify the number of each community.

	<p>5. Municipality of Librazhd- 800 persons belonging to Roma community</p> <p>6. Municipality of Prrenjas-400 persons belonging to Roma</p>
Roma and Egyptian community	<p><b>Fier</b></p> <p>Commune of Dërmenas- 400 persons belonging to Roma</p>
Roma and Egyptian community	<p><b>Vlora</b></p> <p>1. Municipality of Selenica -80 persons belonging to Roma and Egyptian communities</p> <p>2. Commune of Novosela-350 persons belonging to Roma</p>
Roma and Egyptian community	<p><b>Durrës</b></p> <p>1. Municipality of Sukth -180 inhabitants</p> <p>2. Commune of Rashbull- 70 inhabitants</p>
Roma	<p><b>Lushnja</b></p> <p>1. Municipality of Lushnja 65 Roma families- 242 inhabitants</p> <p>2. Commune of Dushk – 77 Roma families- 312 persons belonging to Roma</p> <p>3. Commune of Tërbuf - 5 Roma families- 50 persons belonging to Roma</p> <p>4. Commune of Golem- 20 Roma families- 65 persons belonging to Roma</p> <p>5. Commune of Grabian-230 Roma families- 910 persons belonging to Roma</p>
Roma	<p><b>Berat</b></p> <ul style="list-style-type: none"> <li>• Municipality of Berat-129 Roma families- 600 persons belonging to Roma</li> <li>• Commune of Otlaka -113 Roma families-850 persons belonging to Roma</li> </ul>
Bosniac community	<p><b>Durrës</b></p> <p>1. Bashkia Shijak -3500 inhabitants</p> <p>2. Commune of Xhafzotaj -1900 inhabitants</p>
Roma	<p><b>Lezha</b></p> <p>Municipality of Lezha- 83 Roma families- 500 persons</p>
Roma	<p><b>Mamurras</b></p> <p>1. Municipality of Mamurras- 23 Roma families-143 persons</p> <p>2. Commune of Zheja – 18 Roma families-110 persons</p> <p>Commune of Adriatik- 5 families- 32 persons</p>